



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***MAY 3, 2004
10:00 A.M.***

ROOM 159

AGENDA

Call to Order--Roll Call.

A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P 10

A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

P 11

A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

P 12

A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of probable litigation, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended.

P 13

A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a specific legal matter requiring the provision of legal advice by counsel, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended.

P 14

A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a specific legal matter requiring the provision of legal advice by counsel, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended.

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Items listed on the 2:00 p.m. Council docket requiring discussion/clarification; and additions/deletions to the 2:00 p.m. docket. (15 minutes)

Topics for discussion by the Mayor and Members of Council. (15 minutes)

Briefings:

- Proposed Town Square and Aviation Drive – 20 minutes
- Rate Increase Request for Taxicabs – 20 minutes
- Grow America Fund – 10 minutes
- Southeast By Design – 20 minutes

P 16;
P 17;
P 18;
P 19

THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED AT 2:00 P.M., IN THE CITY COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***MAY 3, 2004
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Kenneth B. Wright, Pastor, First Baptist Church, 310 N. Jefferson Street.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, May 6, 2004, at 7:00 p.m., and Saturday, May 8, 2004, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

Proclamation declaring the month of May 2004, as Rescue Mission Month.

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Proclamation declaring the week of May 2 - 8, 2004, as National Drinking Water Week.

P 21

Proclamation declaring the week of May 3 - 9, 2004, as National Historic Preservation Week.

P 22

Proclamation declaring the week of May 8 – 16, 2004, as National Tourism Week.

P 23

Proclamation declaring the week of May 10 – 16, 2004 as Cover the Uninsured Week.

P 24

Presentation of the first Annual Architectural Review Board Recognition Awards. Robert N. Richert, Chair.

3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the Audit Committee meeting which was held on Monday, April 5, 2004.

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RECOMMENDED ACTION: Receive and file.

- C-2 A communication from the City Manager requesting authorization to file a petition to rezone the Patrick Henry High School property located at 2102 Grandin Road, S. W., from RS-1, Residential Single-Family District, to INPUD, Institutional Planned Unit Development District.

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RECOMMENDED ACTION: Concur in request.

- C-3 Qualification of the following persons:

Michael W. Hanks as a member of the Board of Trustees, City of Roanoke Pension Plan, to fill the unexpired term of D. Duane Dixon, resigned, ending June 30, 2004;

C. Nelson Harris as a member of The Hotel Roanoke Conference Center Commission for a term ending April 12, 2008; and

Rich G. McGimsey as a member of the Fair Housing Board for a term ending March 31, 2007.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. Recognition of The New Century Venture Center as recipient of the 2004 Randall M. Whaley Award. Lisa C. Ison, President, Spokesperson. (Sponsored by Vice-Mayor Harris and Council Member Fitzpatrick.)
- b. Request of the Roanoke Valley Resource Authority to present the proposed Annual Budget for Fiscal Year 2004-05. John R. Hubbard, Chief Executive Officer, Spokesperson. (Sponsored by the City Manager.)

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P 40;
R 44

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS:

Youth Commission Update. 10 minutes.

P 45

ITEMS RECOMMENDED FOR ACTION:

1. Execution of a Consent Order with the Virginia Department of Environmental Quality and the Commonwealth of Virginia Waste Management Board for settlement of alleged solid waste violations on City-owned property located adjacent to the Public Works Service Center.
2. Appropriation of \$45,000.00 from the sale of Arena Football equipment to be used in connection with improvements to the Civic Center Auditorium.

P 46;
R 55

P 57;
B/O 59

3. Appropriation and transfer of funds in connection with replacement of the City Market Building HVAC system.

P 60;
B/O 62

b. CITY ATTORNEY:

1. Amendment of the City Code in connection with appointment of Trustees to the Roanoke City School Board.

P 63;
O 64

c. DIRECTOR OF FINANCE:

1. Financial Report for the month of March 2004.

P 65

7. REPORTS OF COMMITTEES:

- a. Recommendation of the Roanoke Arts Commission in connection with the "Unity" Sculpture site. Mark C. McConnel, Chair, Spokesperson.

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8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL FRIDAY, MAY 7, 2004, AT 8:30 A.M., IN ROOM 159, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE, FOR FISCAL YEAR 2004-2005 BUDGET STUDY; COUNCIL WILL MEET WITH THE ROANOKE CITY SCHOOL BOARD IN A JOINT BUDGET STUDY SESSION ON MONDAY, MAY 10, 2004, AT 8:30 A.M., IN ROOM 159; AND A BUDGET STUDY SESSION IS SCHEDULED FOR TUESDAY, MAY 11, 2004, AT 8:30 A.M., IN ROOM 159, IF NECESSARY. THE FISCAL YEAR 2004-2005 BUDGET WILL BE ADOPTED AT A SPECIAL MEETING OF COUNCIL ON THURSDAY, MAY 13, 2004, AT 2:00 P.M., IN THE CITY COUNCIL CHAMBER.

**MOTION AND CERTIFICATION
WITH RESPECT TO
CLOSED MEETING**

FORM OF MOTION:

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

PLEASE NOTE:

1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
2. Roll call vote included in Council's minutes is required.
3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state prior to the vote the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.



**CITY OF ROANOKE
OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452

ROANOKE, VIRGINIA 24011-1594

TELEPHONE: (540) 853-2444

FAX: (540) 853-1145

RALPH K. SMITH

Mayor

May 3, 2004

The Honorable Vice-Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph K. Smith", is written over a faint, larger version of the same signature.

Ralph K. Smith
Mayor

RKS:snh



**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

May 3, 2004

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting to discuss the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to §2.2-3711.A.3, of the Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB/f

c: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk



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May 3, 2004

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting to discuss the disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711.A.3, Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB/f

c: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk



WILLIAM M. HACKWORTH
CITY ATTORNEY

CITY OF ROANOKE
OFFICE OF CITY ATTORNEY
464 MUNICIPAL BUILDING
215 CHURCH AVENUE, SW
ROANOKE, VIRGINIA 24011-1595

TELEPHONE: 540-853-2431
FAX: 540-853-1221
EMAIL: cityatty@ci.roanoke.va.us

ELIZABETH K. DILLON
STEVEN J. TALEVI
GARY E. TEGENKAMP
DAVID L. COLLINS
HEATHER P. FERGUSON
ASSISTANT CITY ATTORNEYS

May 3, 2004

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting to consult with legal counsel on a matter of probable litigation, pursuant to §2.2-3711.A.7, Code of Virginia (1950), as amended.

With kindest personal regards, I am

Sincerely yours,

A handwritten signature in cursive script that reads "William M. Hackworth".

William M. Hackworth
City Attorney

WMH:f
cc: Darlene L. Burcham, City Manager
Mary F. Parker, City Clerk



WILLIAM M. HACKWORTH
CITY ATTORNEY

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ASSISTANT CITY ATTORNEYS

May 3, 2004

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting for consultation with legal counsel on a specific legal matter requiring the provision of legal advice by such counsel, pursuant to §2.2-3711.A.7, Code of Virginia (1950), as amended.

With kindest personal regards, I am

Sincerely yours,

A handwritten signature in cursive script that reads "William M. Hackworth".

William M. Hackworth
City Attorney

WMH:f

cc: Darlene L. Burcham, City Manager
Mary F. Parker, City Clerk



WILLIAM M. HACKWORTH
CITY ATTORNEY

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ASSISTANT CITY ATTORNEYS

May 3, 2004

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting for consultation with legal counsel on a specific legal matter requiring the provision of legal advice by such counsel, pursuant to §2.2-3711.A.7, Code of Virginia (1950), as amended.

With kindest personal regards, I am

Sincerely yours,

A handwritten signature in black ink that reads "William M. Hackworth". The signature is written in a cursive, flowing style.

William M. Hackworth
City Attorney

WMH:f

cc: Darlene L. Burcham, City Manager
Mary F. Parker, City Clerk



**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

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May 3, 2004

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Town Square and
Aviation Drive

This is to request space on Council's regular agenda for a 20 minute briefing on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
Director of Finance
City Clerk



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May 3, 2004

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Rate Increase for Taxi
Cabs

This is to request space on Council's regular agenda for a 20 minute briefing on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
Director of Finance
City Clerk



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May 3, 2004

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Grow America Fund
 Briefing

This is to request space on Council's regular agenda for a 10 minute briefing on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
 Director of Finance
 City Clerk



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May 3, 2004

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: SE By Design Update

This is to request space on Council's regular agenda for a 20 minute briefing on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
Director of Finance
City Clerk

Office of the Mayor

CITY OF  ROANOKE

Proclamation

WHEREAS, *the Rescue Mission of Roanoke seeks to share Christ's love by serving people whose needs go unmet; and*

WHEREAS, *since its founding 56 years ago, the Rescue Mission has continued a tradition of comprehensive compassionate care to men, women and children in crisis – the homeless, the hungry, the chemically addicted, the impoverished, the abused, and the hopeless; and*

WHEREAS, *through the generosity of the good people of the Roanoke Valley and more than 3,600 volunteers providing 34,448 hours of service, last year the Rescue Mission Hospitality Dining Room served 254,458 meals, the Rescue Mission Shelters provided 67,389 nights of shelter and the Rescue Mission's free Healthcare Clinic ministered to patients on 6,017 occasions; and*

WHEREAS, *the Rescue Mission is currently building a new Women and Children's Center to offer an innovative, residential recovery program for chemically dependent, abused women and their children; and*


WHEREAS, *the Rescue Mission has always been a local organization confirmed by the dramatic results it has made in the lives of hurting people.*

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, do hereby proclaim May 2004, throughout this great All-America City, as

RESCUE MISSION MONTH.

Given under our hands and the Seal of the City of Roanoke this third day of May in the year two thousand and four.

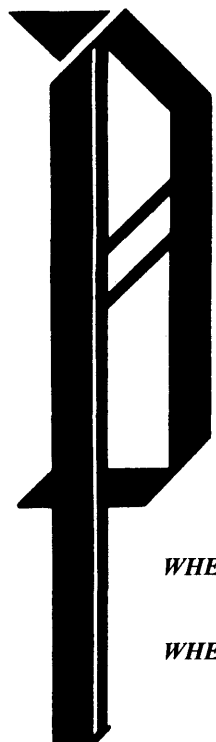
ATTEST:



Mary F. Parker
City Clerk



Ralph K. Smith
Mayor



Office of the Mayor

CITY OF  ROANOKE

Proclamation

WHEREAS, *clean water is a basic and essential need of every living creature; and*

WHEREAS, *our health, comfort and standard of living depend upon an abundant supply of safe drinking water which is provided to the citizens of Roanoke by the Department of Utilities from Carvins Cove Reservoir, Crystal Spring and Falling Creek Reservoir; and*

WHEREAS, *dedicated personnel in the City of Roanoke intercept the natural water cycle for the basic needs of our community, and their commitment to filtering, testing and delivering clean drinking water and delivering, treating and testing wastewater is appreciated; and*

WHEREAS, *every citizen should help in the protection of water sources from pollution and in the protection of future water supplies by practicing water conservation; and*

WHEREAS, *personnel of the City of Roanoke Department of Utilities look forward to serving water and sewer needs of the Roanoke Valley under the Western Virginia Water Authority; and*

WHEREAS, *during the week of May 2 – 8, 2004, and in recognition of National Drinking Water Week, the City of Roanoke will offer public activities to highlight the importance of safe drinking water.*

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, *encourage all citizens to recognize and to appreciate the precious gift of fresh drinking water, and do hereby proclaim May 2 – 8, 2004, throughout this great All-America City, as*

NATIONAL DRINKING WATER WEEK.

Given under our hands and the Seal of the City of Roanoke this first day of May in the year two thousand and four.

ATTEST:

Mary F. Parker
City Clerk



Ralph K. Smith
Mayor

Office of the Mayor

CITY OF  ROANOKE

Proclamation

WHEREAS, *historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and*

WHEREAS, *historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and*

WHEREAS, *it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that shaped us as a people; and*

WHEREAS, *"New Frontiers in Preservation" is the theme of National Historic Preservation Week 2004, co-sponsored by the Roanoke Valley Preservation Foundation and the National Trust for Historic Preservation.*

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, *encourage the citizens of the City of Roanoke to join with citizens across the Commonwealth of Virginia in recognizing and participating in this special observance, and do hereby proclaim May 3 - 9, 2004, throughout this great All-America City, as*

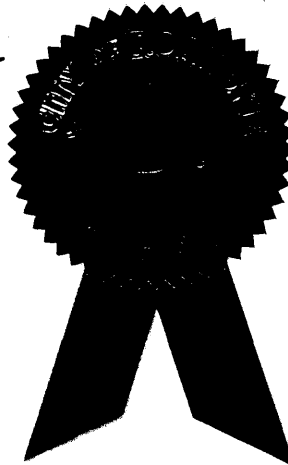
NATIONAL HISTORIC PRESERVATION WEEK.

Given under our hands and the Seal of the City of Roanoke this third day of May in the year two thousand and four.

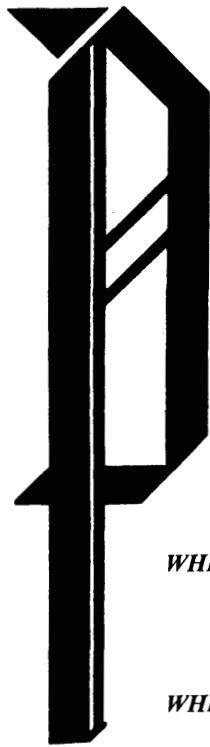
ATTEST:



Mary F. Parker
City Clerk



Ralph K. Smith
Mayor



Office of the Mayor

CITY OF  ROANOKE

Proclamation

WHEREAS, *the travel and tourism industry supports the vital interests of the City of Roanoke and the Roanoke Valley by contributing to employment, economic prosperity, international trade, peace, understanding and goodwill; and*

WHEREAS, *travel and tourism ranks as an important industry in the City of Roanoke in terms of revenue generated by contributing \$255,733,000.00 in spending by travelers, \$74,478,000.00 in payroll and \$7,921,000.00 in local taxes; and*

WHEREAS, *travel and tourism has become a \$1 million per day industry in the Roanoke Valley, with a total yearly amount of \$401,433,000.00 generated; and*

WHEREAS, *as people throughout the world become more aware of the outstanding cultural, recreational and natural resources available in the City of Roanoke and the Roanoke Valley, travel and tourism will become an increasingly important aspect in the lives of all citizens; and*

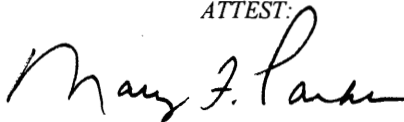
WHEREAS, *given these laudable contributions to the economic, social and cultural well being of the citizens of the City of Roanoke, it is fitting that the importance of travel and tourism be recognized.*

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, *urge all citizens to observe and participate in appropriate ceremonies and activities, and do hereby proclaim the week of May 8 - 16, 2004, throughout this great All-America City, as*

NATIONAL TOURISM WEEK.

Given under our hands and the Seal of the City of Roanoke this third day of May in the year two thousand and four.

ATTEST:



Mary F. Parker
City Clerk



Ralph K. Smith
Mayor

Office of the Mayor

CITY OF  ROANOKE

Proclamation

WHEREAS, approximately 44 million Americans, equal to the combined population of 24 states, do not have health care coverage; and

WHEREAS, an estimated 15 per cent of Virginians and more than 14,000 Roanoke citizens, do not have health care coverage; and

WHEREAS, eight out of ten people who are uninsured are members of working families, and 8.5 million children in America and 55,000 in Virginia are without health care coverage; and

WHEREAS, uninsured Americans live sicker and die younger than those who are covered by health care, and they suffer needlessly because they go without the health care they need; and

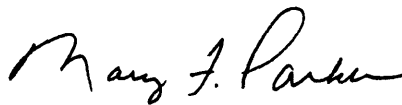
WHEREAS, with health care costs climbing rapidly, employers and working families are finding it more difficult to afford coverage.

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, urge all citizens to recognize the importance of seeking solutions to one of America's greatest health issues, and do hereby proclaim May 10 – 16, 2004, throughout this great All-America City, as

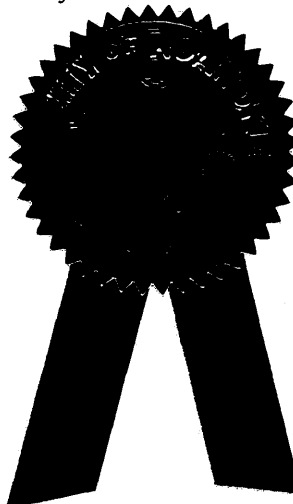
COVER THE UNINSURED WEEK.

Given under our hands and the Seal of the City of Roanoke this third day of May in the year two thousand and four.

ATTEST:



Mary F. Parker
City Clerk



Ralph K. Smith
Mayor

MINUTES OF ROANOKE CITY AUDIT COMMITTEE

April 5, 2004

1. CALL TO ORDER:

The meeting of the Roanoke City Audit Committee was called to order at 11:33 a.m. on Monday, April 5, 2004, with Chair, Linda F. Wyatt, presiding.

- The roll was called by Mrs. England

Audit Committee

Members Present: Linda F. Wyatt, Chair
 Mayor Ralph K. Smith
 Vice-Mayor C. Nelson Harris
 William D. Bestpitch
 Dr. M. Rupert Cutler
 Alfred T. Dowe, Jr.

Others Present: Drew Harmon, Municipal Auditor
 Darlene L. Burcham, City Manager
 George (Chip) Snead, Assistant City Manager
 Rolanda Russell, Assistant City Manager
 Timothy Spencer, Assistant City Attorney
 Evelyn Powers, City Treasurer
 Jesse A. Hall, Director of Finance
 Mike Tuck, Assistant Municipal Auditor
 Pamela Mosdell, Information Systems Auditor
 Brian Garber, Senior Auditor
 Doris England, Administrative Assistant
 Evelyn Bethel, Citizen
 Helen Davis, Citizen
 Duane Howard, Citizen

2. INTERNAL AUDIT REPORTS:

- A. Treasurer Turnover
- B. Clerk of the Circuit Court
- C. Parks and Recreation
- D. Fixed Assets

Mrs. Wyatt ordered that internal audits A through D be received and filed. There were no objections from the committee. Mrs. Wyatt recognized Mr. Harmon for comments on all the audits.

Mr. Harmon stated the Treasurer Turnover audit was required by state law, based upon David Anderson's retirement as City Treasurer effective December

31, 2003. Specifications were followed for the audit as set out by the state; these specifications were recently revised and enhanced. Six schedules were prepared, 19 receipts for things such as vehicle decals, dog tags, and cash; that were to be turned over. It was the final opinion, along with the state's portion of the audit, that there were no significant findings. There were no questions or comments from the committee.

Mr. Harmon stated the Clerk of the Circuit Court audit is done annually as part of the city's agreement with the APA, or Auditor of Public Accounts. The City follows their program and does a portion of the audit in return for not being billed for the audit, which is required by state law. This year they delayed it somewhat due to the turnover in the Clerk's office and did the turnover audit at the same time. There were no material findings. There were no questions or comments from the committee.

Dr. Cutler asked when the Commissioner of Revenue audit would be done. Mr. Harmon replied there is no required annual audit for the Commissioner of Revenue. However, Municipal Auditing is currently conducting an internal operational audit in that area. Hopefully, it will come before the Audit Committee in July.

Mr. Harmon stated the Parks and Recreation audit specifically addressed the Parks Division. The parks have a significant impact on the aesthetics of the city. Playground safety is one area that was highlighted. Specific focus was placed on parks maintenance and playground inspection functions. The audit also incorporated the importance of training of staff on equipment used in operations. Mr. Harmon stated his office was very pleased with the cooperation received from Steven Buschor, Director of Parks and Recreation, and Gary Hegner, Parks Supervisor. He was also pleased with the planned actions as set forth by the department. In conducting the audit, the parks were visited and found to be in good shape. Much investment has been made by Parks and Recreation in the last four years with most equipment being new and in good shape.

Dr. Cutler stated that in reading about the short-comings in frequency of inspections, the lack of documentation of visits, and the lack of certified staff, it appeared that this was the first time in a while or the first time ever this audit had been done. Mr. Harmon replied that it was the first time for this area. Dr. Cutler said he was surprised at the lack of regular inspections of playgrounds, the lack of certification of people, and the lack of record keeping on what equipment staff is trained to operate. He further stated we were lucky we did not have more accidents. Dr. Cutler asked Mr. Harmon if Parks and Recreation was taking the recommendations made by the audit and implementing them. Mr. Harmon stated that Municipal Auditing had worked with the Parks Division to set up the action plans and felt good about the direction taken.

Dr. Cutler asked if there was some software on order. Mr. Harmon replied there is a project being looked at with work orders; the Parks Division is interested in this, and an RFP has been written.

Mr. Dowe asked about the informal procedures used and what relationship the Parks Division had with school playgrounds. Mr. Harmon responded that procedures were primarily based on supervisors' experience. Schools are independent and manage their own playgrounds.

Ms. Burcham stated that there had been a need for a work order request management system for some time. Other departments also are looking at a work order system.

Mr. Bestpitch stated he felt very much that recommendations should be followed up. The lack of inspections (of parks) increases the chances of litigation against the city.

Ms. Burcham stated that Parks and Recreation had compiled a book of policies to be followed that Ms. Russell had brought with her to the meeting. Ms. Russell showed the book and explained some of the features that were being followed. Mr. Bestpitch stated we should stay on top of implementing the plan.

Mrs. Wyatt pointed out that some city trainees learn differently from others in that some learn by the hands-on approach. She also asked Ms. Burcham for an update on the status of using contract labor to clean the bathrooms at the parks.

Mr. Harmon explained the Fixed Assets audit focused on assets under \$5,000 and concluded that the system of internal controls should be strengthened to provide greater management and safeguarding of those assets. Dr. Cutler asked who has the responsibility of tracking assets under \$5,000. Mr. Harmon stated some departments had been doing something, though not adequate, to track their assets. Mr. Hall said Finance should share the responsibility in guiding departments to develop policies for tracking assets.

3. NEW BUSINESS:

The proposed Audit Committee meetings for the remainder of the calendar year were discussed and approved. They are as follows:

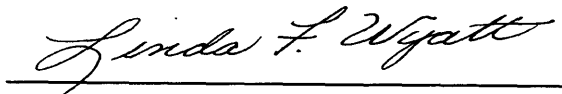
- Tuesday, July 6, 2004
- Thursday, October 7, 2004
- Monday, December 20, 2004 (at 1:00 p.m.)

4. OTHER BUSINESS:

Mr. Harmon introduced new staff in Municipal Auditing. Cheryl Ramsey is the new Auditor replacing the vacancy created by the departure of Kevin Nicholson. Doris England is the new Administrative Assistant filling the vacancy left by Evelyn Powers.

5. ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:58 a.m.

A handwritten signature in cursive script, reading "Linda F. Wyatt", is written over a horizontal line.

Linda F. Wyatt, Chair



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

May 3, 2004

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

**Subject: Rezoning Patrick Henry High
School Site**

The plan for reconstructing Patrick Henry High School calls for ten of the current eleven buildings on the campus to be demolished, with a new three-story, 330,000 square foot building to be constructed to replace the demolished buildings.

The current zoning of the subject property is RS-1, Residential Single-Family District, which restricts structures to a maximum height of thirty-five (35) feet. A rezoning of the property to INPUD, Institutional Planned Unit Development District, is recommended. The INPUD District would permit the uses existing and proposed for this property, would allow for structures up to a maximum height of forty-five (45) feet, and would encourage the efficient redevelopment of this site. The INPUD District is intended to encourage the harmonious development of institutional uses and mixed-use campus developments.

Vision 2001-2020, the City's Comprehensive Plan, recommends the efficient redevelopment of existing sites within the City and the improvement of the City's educational facilities. Furthermore, the consolidation of Patrick Henry


Mayor Smith and Members of City Council
May 3, 2004
Page 2

High School from the current eleven-building campus into two buildings reduces the impervious areas of roof, sidewalk, and driveways, consistent with *Vision 2001-2020's* recommendation for limiting impervious surfaces to reduce storm water runoff.

Recommended Action:

Authorize the City Manager to file a petition to rezone the Patrick Henry High School property, located at 2102 Grandin Road, S.W., and further identified as Official Tax Number 1460101, from RS-1, Residential Single-Family District, to INPUD, Institutional Planned Unit Development District, as set forth in the attached petition.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:ns

c: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk
Rolanda Russell, Assistant City Manager for Community Development

CM04-00073

PETITION TO REZONE

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE

Rezoning of a tract of land lying at 2102 Grandin Road, SW, Tax No. 1460101, from RS-1 to INPUD.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioner, the City of Roanoke, owns land in the City of Roanoke containing 96.3296 acres, more or less, located at 2102 Grandin Road, SW, Tax No. 1460101. Said tract is currently zoned RS-1, Residential, Single-Family. A map of the property to be rezoned is attached as Exhibit One.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioner requests that the said property be rezoned from RS-1, Residential, Single-Family District, to INPUD, Institutional Planned Unit Development District for the purpose of the reconstruction of Patrick Henry High School. The plan for reconstructing Patrick Henry High School calls for ten of the current eleven buildings on the campus to be demolished, with a new 330,000 sf building to be constructed to replace the demolished buildings. The current Site Plan is shown in the attached Exhibit Three. The proposed Site Plan is shown in the attached Exhibit Four.

The Petitioner believes the rezoning of the said tract of land will further the intent and purposes of the City's Zoning Ordinance and its comprehensive plan, in that it will redevelop an existing developed site within the City rather than consume undeveloped land that can be utilized for some other purpose in the future. Utilization of this site also makes use of the existing utility,

road and public transportation systems, thereby minimizing urban sprawl. The reconstruction of Patrick Henry on this site will reinforce the City's system of neighborhood schools, making the City a more attractive place to live and encouraging reinvestment in the surrounding neighborhoods. The rezoning of the said tract of land to INPUD will allow for the more efficient use of the site, including the construction of a three-story building.

Attached as Exhibit Two are the names, addresses and tax numbers of the owner or owners of all lots or property immediately adjacent to and immediately across a street or road from the property to be rezoned.

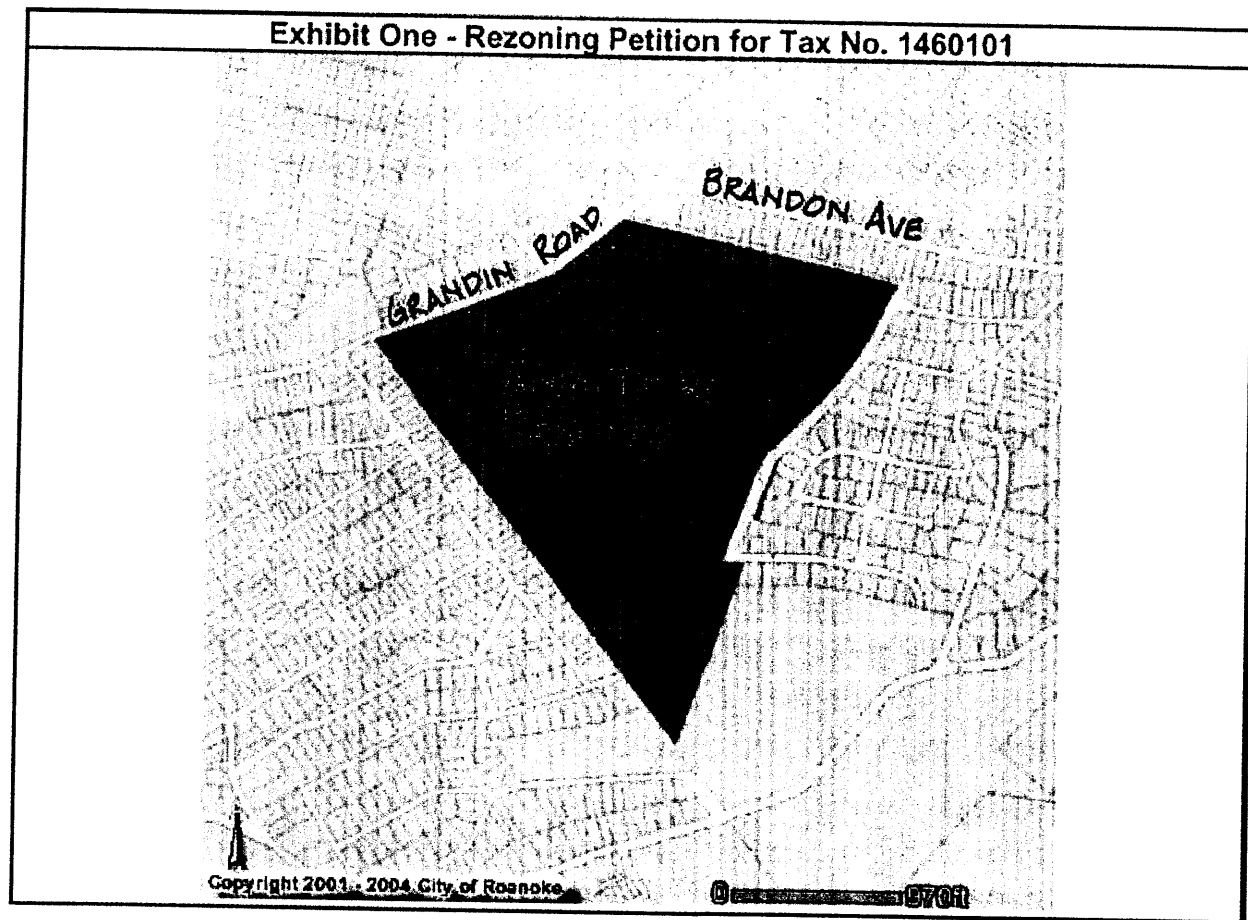
WHEREFORE, the Petitioner requests that the above-described tract be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

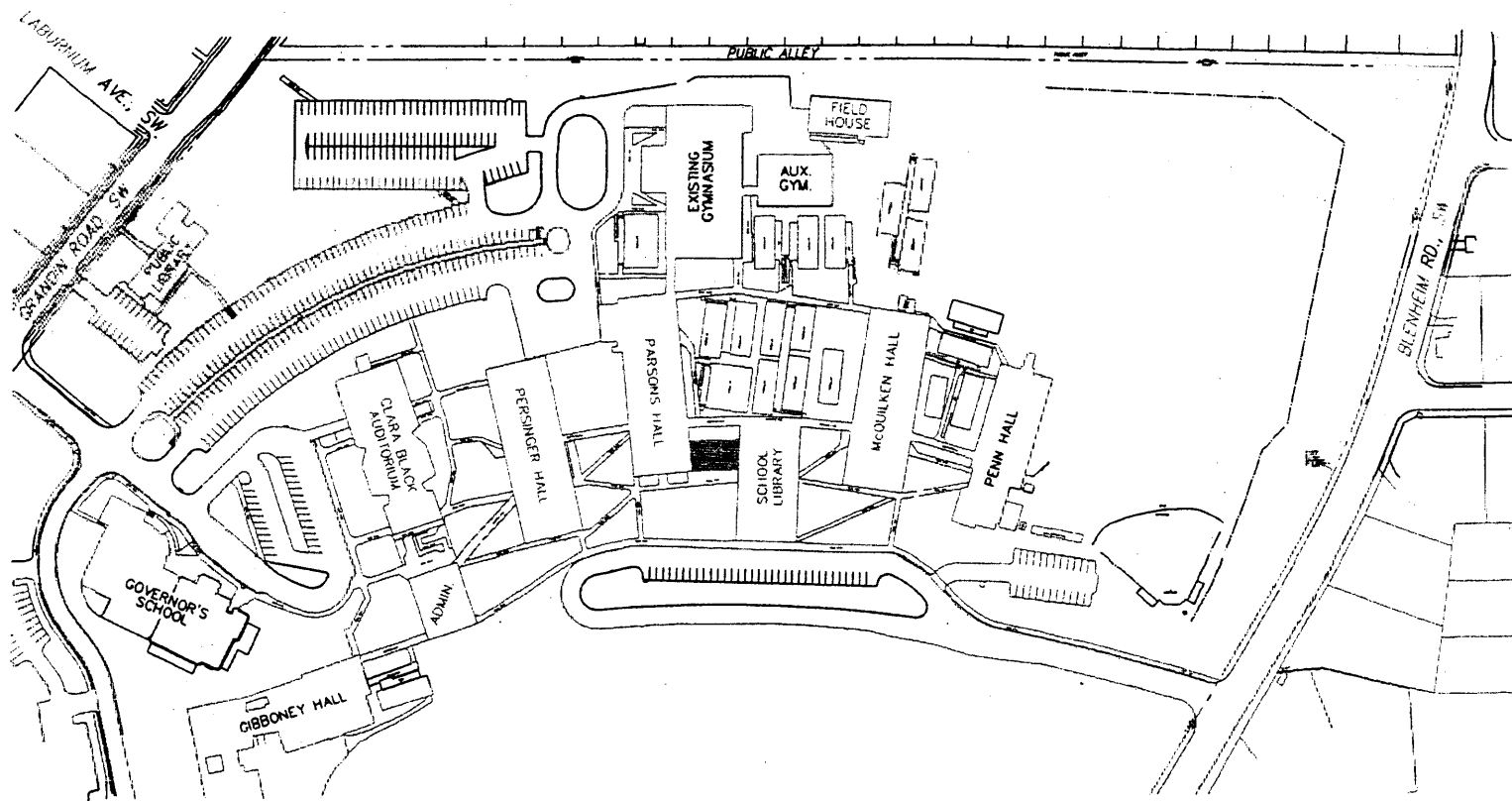
Respectfully submitted this Ninth day of April, 2004.

Respectfully submitted,

By: _____
City Manager

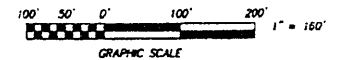
Darlene L. Burcham, City Manager
City of Roanoke
215 Church Avenue, SW Room 364
Roanoke, VA 24011

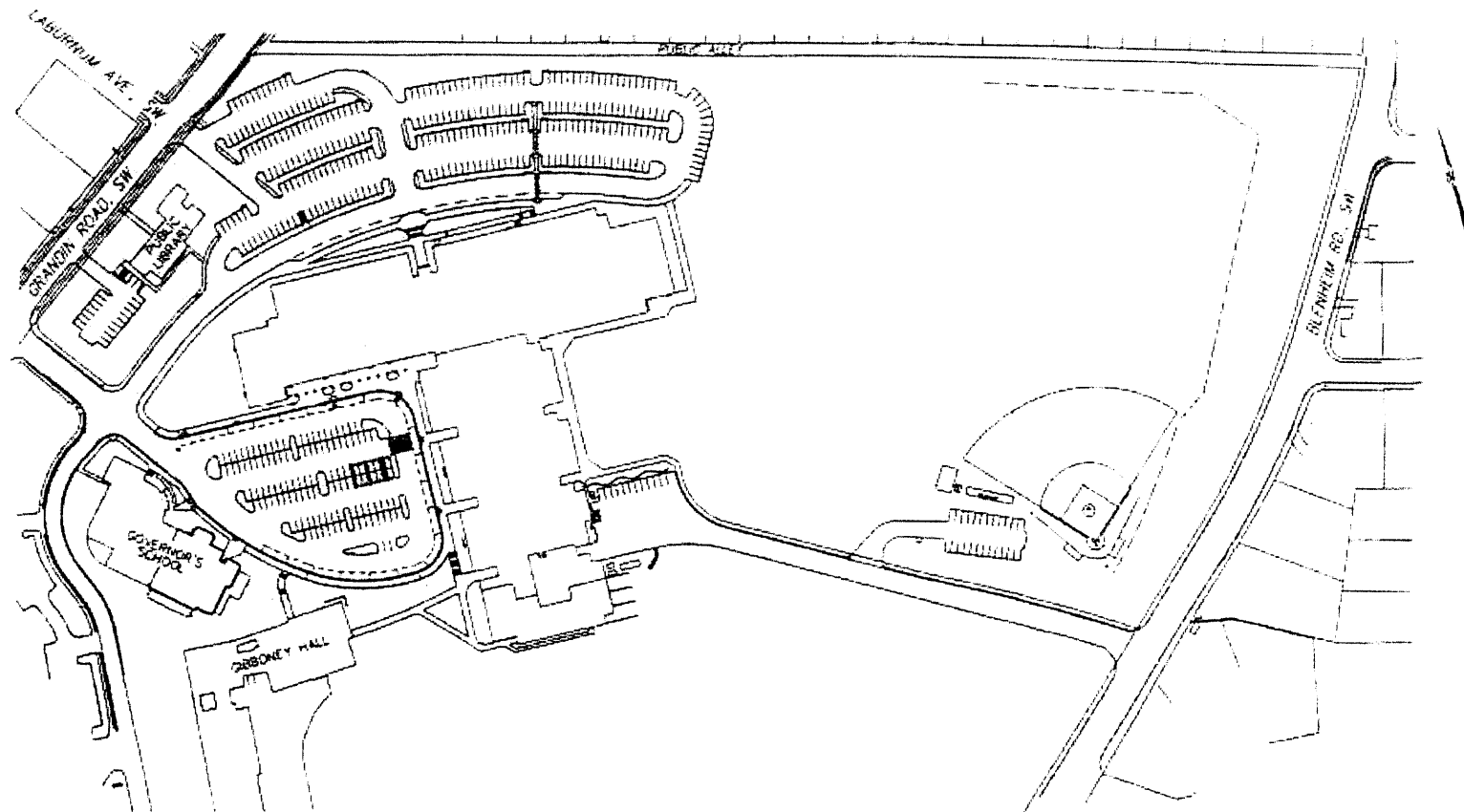




REZONING OF TAX NO. 1460101

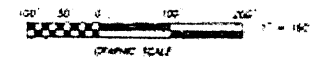
EXHIBIT THREE - EXISTING SITE PLAN





REZONING OF TAX NO. 1460101

EXHIBIT FOUR - PROPOSED SITE PLAN





RALPH K. SMITH
Mayor

CITY OF ROANOKE

CITY COUNCIL

215 Church Avenue, S.W.
Noel C. Taylor Municipal Building, Room 456
Roanoke, Virginia 24011-1536
Telephone: (540) 853-2541
Fax: (540) 853-1145

Council Members:
William D. Bestpitch
M. Rupert Cutler
Alfred T. Dowe, Jr.
Beverly T. Fitzpatrick, Jr.
C. Nelson Harris
Linda F. Wyatt

May 3, 2004

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Dear Mayor and Members of Council:

We jointly sponsor a request of Lisa C. Ison, President of The New Century Venture Center, to address Council with regard to recognition of The New Century Venture Center being the recipient of the 2004 Randall M. Whaley Award at the regular meeting of City Council on Monday, May 3, 2004.

Sincerely,

A handwritten signature in black ink that reads "C. Nelson Harris".

C. Nelson Harris, Vice-Mayor

A handwritten signature in black ink that reads "Beverly T. Fitzpatrick, Jr.".

Beverly T. Fitzpatrick, Council Member

CNH/BTF:snh

c: City Attorney
Director of Finance
City Clerk

THE NEW CENTURY VENTURE CENTER

April 23, 2004

Ms Mary F. Parker, Clerk
Roanoke City
215 Church Avenue, S. W.
Noel C. Taylor Municipal Building
Room 456
Roanoke, Virginia 24011-1536

Dear Ms Parker:

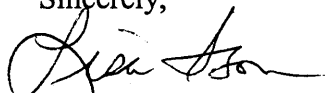
This letter is to formally request to appear before Roanoke City Council on Monday, May 3, 2004, to announce international recognition of The New Century Venture Center as the recipient of the 2004 Randall M. Whaley Award.

Recognizing overall excellence in business incubation programs, the Randall M. Whaley Award is the National Business Incubation Association's most prestigious award. This award will be presented on Monday, April 26, 2004, in Atlanta, Georgia, at NBIA's 18th Annual International Conference on Business Incubation. Attached is a copy of the embargoed press release, which provides details of this award.

I have received sponsorship to appear on May 3 from Bev Fitzpatrick and Vice Mayor Nelson Harris.

Thank you for your assistance in this matter. Feel free to contact me if you have any questions. I will be in the office this afternoon, 344-6402, and will be in Atlanta next week receiving this award, but can be reached by cell phone at 540-874-5194 during my absence.

Sincerely,



Lisa C. Ison, President

attachment

Contact: Lisa Ison
President
The New Century Venture Center
(540) 344-6402
lison@ncvc.com

Linda Knopp
Communications Manager
NBIA
(740) 593-4331
lknopp@nbia.org

The New Century Venture Center Recognized for Excellence in Business Incubation

ROANOKE, Va.—The New Century Venture Center (NCVC) today was named the 2004 Randall M. Whaley Incubator of the Year at the National Business Incubation Association's (NBIA) 18th International Conference on Business Incubation in Atlanta. The Whaley award, NBIA's most prestigious honor, recognizes overall incubator excellence.

Since 1996, NCVC has assisted entrepreneurs from Roanoke and its surrounding areas by providing tailored business assistance at critical business stages, helping them excel and quickly shepherding the companies back into the community. The 29,000-square-foot incubator has assisted more than 75 technology and service companies and graduated 25 companies.

Business incubation programs like NCVC catalyze the process of starting and growing companies by providing entrepreneurs with the expertise, networks and tools they need to make their ventures successful. In 2001 alone, North American incubators assisted more than 35,000 start-up companies that provided full-time employment for nearly 82,000 workers and generated earnings of more than \$7 billion.

One of the secrets to NCVC's long-term success is flexible programming, which enables the center to serve clients with a wide range of skills and backgrounds, according to Lisa Ison, NCVC president. A pre-incubation program, for instance, allows entrepreneurs who may not meet the incubator's entrance requirements to lease incubator space for six months and receive most incubator services. For inner-city residents who might not otherwise have the opportunity to pursue entrepreneurship or self-sufficiency, the center's BizPrep and JobPrep programs provide entrepreneurial and job training through a partnership with the Roanoke Redevelopment and Housing Authority. And for those entrepreneurs who don't need full incubation services, NCVC offers an affiliates program, Venture Out, which offers services on a pay-per-use basis. In addition to reaching segments of the business community that might otherwise be underserved, these initiatives provide NCVC with additional revenue streams and help cultivate a new crop of entrepreneurs within the community, Ison said.

-more-

The New Century Venture Center Recognized for Excellence in Business Incubation/2

NCVC's work with small, growing companies has had a big impact on the Roanoke area. The incubator's 25 graduates have created nearly 200 new jobs, and several have bought their own buildings. But despite its long record of success, getting NCVC off the ground was a struggle; developers laid out plans for the incubator a full eight years before it opened. "The community could see the values of the incubation concept, but we just couldn't get anyone to open their pocketbooks," Ison said. After submitting numerous funding applications and networking diligently throughout the community, the incubator's development team secured a total of \$460,000 from Virginia's Center for Innovative Technology, the Virginia General Assembly and the Community Development Block Grant program of the U.S. Department of Housing and Urban Development.

Once the incubator's funding was secured, incubator staff made client assistance its top priority. NCVC clients receive much of their assistance through the center's mentoring program, which includes local professionals who volunteer as mentors in areas such as law, finance, human resource management, manufacturing and marketing. From this pool of volunteers, Ison assigns each client a three-person advisory team to assist with setting goals, formulating marketing strategies, plotting financial growth and other critical tasks.

Even for clients with strong business skills, the advisory team is a huge asset. "Even though I had formal business training and previous business experience as an independent consultant, I still had much to learn," said Jay Foster, president of NCVC graduate SoftSolutions Information Technology. "Working with an advisory team taught me a lot about basic business processes." SoftSolutions clients include Johnson & Johnson, Volvo, Corning and Sara Lee, and the company claimed NBIA's 2003 Outstanding Incubator Graduate award.

The Randall M. Whaley Incubator of the Year award honors the memory of Dr. Whaley, former president of the University City Science Center in Philadelphia and founding chairman of NBIA. Friends of University City Science Center endow the award.

The National Business Incubation Association is the world's leading organization advancing business incubation and entrepreneurship. Each year, the NBIA Incubation Awards honor the business incubators, client companies and graduates that exemplify the best of the industry.

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CITY OF ROANOKE OFFICE OF THE CITY MANAGER

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CityWeb: www.roanokegov.com

May 3, 2004

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

I would like to sponsor a request from John R. Hubbard, Chief Executive Officer of the Roanoke Valley Resource Authority to approve the Fiscal Year 2004-2005 Roanoke Valley Resource Authority budget.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene Burcham".

Darlene L. Burcham
City Manager

DLB:vst

C: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance



ROANOKE VALLEY RESOURCE AUTHORITY

March 24, 2004

Ms. Mary Parker, CMC
City Clerk, City of Roanoke
Municipal Building Room 456
215 Church Avenue, SW
Roanoke, VA 24011-1536

Dear Ms. Parker:

In accordance with the Member Use Agreement, the Resource Authority is submitting its 2004-2005 Annual Budget to the City Council for approval. Enclosed are copies of the 2004-2005 Budget for each member of the City Council.

A copy of the budget, along with the attached letter, have been sent to Ms. Burcham, requesting that she initiate action for approval of the budget by the City Council.

If you have any questions or if you need additional copies of the budget, please let me know. Your help with this matter is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'John R. Hubbard', written over a horizontal line.

John R. Hubbard, P.E.
Chief Executive Officer

cc: Bob Bengtson

SUMMARY

REVENUE

2004-2005

Disposal Fees	\$ 7,260,200		
Interest Income	\$ 371,340		
Transfer from General Surplus	\$ 875,310		
Sale of Recyclable Material	\$ 31,000		
Miscellaneous	\$ 28,000		
Transfer - Rutrough Road	\$ 62,665		
		Total	\$ 8,628,515

EXPENSES

Personnel	\$ 1,516,632		
Operating	\$ 2,871,757		
Capital	\$ 312,600		
Transfer to Reserves	\$ 1,160,000		
Debt Service	\$ 2,767,526		
		Total	\$ 8,628,515

DISPOSAL FEES

Municipal	Per Ton	\$45
Private	Per Ton	\$55

SUMMARY

BUDGETS

	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05
REVENUE						
Disposal Fees	\$ 7,122,400	\$ 7,367,475	\$ 6,755,525	\$ 6,727,925	\$ 6,719,800	\$ 7,260,200
Interest Income	\$ 600,000	\$ 600,000	\$ 1,000,000	\$ 700,000	\$ 446,340	\$ 371,340
Transfer from General Surplus	\$ -	\$ -	\$ 519,000	\$ 800,000	\$ 876,329	\$ 875,310
Sale of Recyclable Material	\$ 6,000	\$ 10,000	\$ 28,000	\$ 24,000	\$ 30,000	\$ 31,000
Miscellaneous	\$ 20,000	\$ 23,000	\$ 21,000	\$ 18,000	\$ 19,500	\$ 90,665
TOTAL	\$ 7,748,400	\$ 8,000,475	\$ 8,323,525	\$ 8,269,925	\$ 8,091,969	\$ 8,628,515

EXPENSES

Personnel	\$ 1,343,236	\$ 1,388,454	\$ 1,393,955	\$ 1,378,030	\$ 1,390,008	\$ 1,516,632
Operating	\$ 2,435,164	\$ 2,574,793	\$ 2,780,344	\$ 2,758,413	\$ 2,747,717	\$ 2,871,757
Capital	\$ 10,000	\$ 100,000	\$ 215,200	\$ 193,500	\$ 20,000	\$ 312,600
Transfer to Reserves	\$ 1,160,000	\$ 1,160,000	\$ 1,160,000	\$ 1,160,000	\$ 1,160,000	\$ 1,160,000
Debt Service	\$ 2,800,000	\$ 2,777,228	\$ 2,774,026	\$ 2,779,982	\$ 2,774,244	\$ 2,767,526
TOTAL	\$ 7,748,400	\$ 8,000,475	\$ 8,323,525	\$ 8,269,925	\$ 8,091,969	\$ 8,628,515

DISPOSAL FEES

Municipal \$ per ton	51	51	42	42	45	45
Private \$ per ton	55	55	55	55	55	55

% INCREASE in expenses

-3.2%	3.3%	4.0%	-0.6%	-2.2%	6.6%
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IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION approving the annual budget of the Roanoke Valley Resource Authority for Fiscal Year 2004-2005, upon certain terms and conditions.

BE IT RESOLVED by the Council of the City of Roanoke that the annual budget for the Roanoke Valley Resource Authority for Fiscal Year 2004-2005, in the amount of \$8,628,515 is hereby approved, all as more particularly set forth in a letter to the City Clerk, dated March 24, 2004, from John R. Hubbard, P.E., Chief Executive Officer, of the Roanoke Valley Resource Authority, copies of which have been provided to Council.

ATTEST:

City Clerk.



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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May 3, 2004

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Youth Commission
Briefing

This is to request space on Council's regular agenda for a 10 minute briefing on the above referenced subject.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
Director of Finance
City Clerk

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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May 3, 2004

Honorable Ralph K. Smith, Mayor
 Honorable C. Nelson Harris, Vice Mayor
 Honorable William D. Bestpitch, Council Member
 Honorable M. Rupert Cutler, Council Member
 Honorable Alfred T. Dowe, Jr., Council Member
 Honorable Beverly T. Fitzpatrick, Jr., Council Member
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Public Works Service Center
 (Proposed
 Stadium/Amphitheater
 Construction Site) Consent
 Order with the Virginia
 Department of Environmental
 Quality and Commonwealth of
 Virginia Waste Management
 Board

The Virginia Department of Environmental Quality (DEQ) is requesting that the City of Roanoke enter into a Consent Order with the Commonwealth of Virginia Waste Management Board (copy attached) to resolve certain solid waste disposal issues identified on City owned property located adjacent to the City's Public Works Service Center. In the Consent Order, the DEQ acknowledges that the solid waste identified on City owned property located adjacent to the City's Public Works Service Center has been properly removed from the site and that no further remediation or closure activities are currently being requested. Furthermore, while the City is admitting the jurisdictional allegations in the Consent Order, the City is not admitting the factual allegations or legal conclusions contained within the Consent Order. The City is agreeing to pay Three Thousand Dollars (\$3,000.00) in settlement of the alleged violations in order to resolve this matter.

Mayor Smith and Members of City Council
May 3, 2004
Page 2

Negotiations to develop the Consent Order included representatives of the City's legal counsel, the City's environmental consultant, as well as staff from the City and the DEQ.

Recommended Action:

Authorize the City Manager to execute the attached Consent Order on behalf of the City with the DEQ and the Commonwealth of Virginia Waste Management Board.
Authorize the City Manager to make payment to the Treasurer of Virginia, through the DEQ, in the amount of \$3,000.00 for settlement of the alleged solid waste violations and to execute other documents and take such further action as may be needed to conclude this matter.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:pjt

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Paul J. Truntich Jr., Environmental Administrator

#CM04-00077

**COMMONWEALTH OF VIRGINIA
WASTE MANAGEMENT BOARD
CONSENT ORDER
ISSUED TO
The City of Roanoke, Virginia**

Section A: Purpose

This is a consent order issued under the authority of §§ 10.1-1182 *et seq.* and §§ 10.1-1402, 10.1-1405, and 10.1-1455 of the Code of Virginia (1950), as amended, between the Virginia Waste Management Board and The City of Roanoke, Virginia to resolve certain alleged violations of environmental laws and/or regulations.

Section B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meanings assigned to them below:

1. “Code” means the Code of Virginia (1950), as amended.
2. “Board” means the Virginia Waste Management Board, a permanent collegial body of the Commonwealth of Virginia as described in Code §§ 10.1-1401 and 10.1-1184.
3. “Department” means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Code § 10.1-1183.
4. “Director” means the Director of the Department of Environmental Quality.
5. “Order” means this document, also known as a consent order.
6. “Regulations” means the Virginia Hazardous Waste Management Regulations, 9 VAC 20-60-12 *et seq.* (“HWMR”) or the Solid Waste Management Regulations, 9 VAC 20-80-

10- *et seq.* (“SWMR”). The specific provisions of Title 40 of the Code of Federal Regulations (“CFR”) cited herein are incorporated by reference at 9 VAC 20-60-260, 9 VAC 20-60-261, 9 VAC 20-60-262, 9 VAC 20-60-264, 9 VAC 20-60-265, 9 VAC 20-60-268, and 9 VAC 20-60-270.

6. “The City” means The City of Roanoke, Virginia.
7. “Non-Hazardous” means not subject to regulation as a hazardous waste pursuant to 40 CFR Part 261.

Section C: Findings of Fact and Conclusions of Law

1. The City of Roanoke owns and operates a Public Works Service Center (“PWSC”) at 1802 Courtland Road in Roanoke, Virginia. The EPA ID Number of the PWSC is VAD123725350.
2. During the period from about the late 1970's to 1991, solid and allegedly hazardous waste was disposed of at the PWSC. Some waste was placed on the surface of the ground and some waste was buried. This waste included crushed and empty drums, drums containing oil-based paint waste, drums containing black asphalt-like substances, and drums containing characteristically ignitable hazardous waste.
3. On March 21, 2000, the Board issued a Consent Order (“2000 Order”) to the City regarding hazardous waste management at the PWSC in Roanoke, Virginia. The 2000 Order required closure of the areas where hazardous waste as described in Paragraph 2 above was found at the PWSC. These areas were designated as Hazardous Waste Management Units 1 and 2. On August 2, 2002, the Department certified completion of clean closure of those units in accordance with the requirements of the Regulations and the 2000 Order.
4. The City commenced construction of a new stadium and amphitheater complex on City property near the PWSC in mid-2003. The areas that were clean closed under the 2000 Order are within the boundaries of the complex.
5. On August 25, 2003, two crushed 55-gallon drums containing dried yellow road marking paint and three empty crushed drums were excavated during construction activities about 15 feet southwest of Unit 1. These materials were properly reported to DEQ, tested, found to be non-hazardous, and were disposed of properly. There was no soil staining, odor, or any other evidence of a release from any of these drums.
6. On September 9, 2003, a partially crushed 55-gallon drum containing Non-Hazardous

petroleum products was excavated during construction activities about 100 yards from the southern boundary of the area encompassed by the closure required by the 2000 Order. This was properly reported to DEQ. Some petroleum odor and staining was observed in soils adjacent to the drum. That drum, its contents, and approximately 60 tons of soil, some of which was petroleum contaminated soil, were removed for disposal and disposed of properly. Following removal of the approximately 60 tons of soil, there was no staining, odor, or any other evidence of a release in the soils that remained in place at this site.

7. On October 7, 2003, one 30-gallon drum containing paint and four 5-gallon pails containing paint were excavated during construction activities beyond the northern boundary of the area encompassed by the closure required by the 2000 Order. These were properly reported to DEQ. There was no soil staining, odor, or any other evidence of a release from any of these containers. Sampling and analysis indicated that the paint in each container was a hazardous waste as defined at 40 CFR § 261.20(a) and 40 CFR § 261.21. These containers and their contents were manifested, transported off site, and properly disposed of at a permitted hazardous waste management facility.
8. On December 30, 2003, one partially crushed 55-gallon drum containing absorbent material was excavated beneath the former School Board Bus Maintenance area near the northeastern boundary of the stadium construction site. This was properly reported to DEQ. Some petroleum odor and staining was observed in soils adjacent to the drum. That drum, its contents, and approximately 7 tons of petroleum-contaminated soil were removed for disposal and disposed of properly. Subsequent confirmatory sampling to Total Petroleum Hydrocarbons indicated that all petroleum contaminated soil was removed from the site.
9. In 1975, construction of a 54-inch storm sewer line disturbed areas at or near the waste disposal sites described in Paragraphs 5 through 8 above. A report dated October 31, 2003 from the City's environmental management consultants to the City's Environmental Administrator stated that "Given the decayed state of the containers and the location and depth of the burial, the disposal of these containers most likely occurred at the time of the construction of the storm sewer line (i.e., in the mid to late 1970s)." Accordingly, 1975 is the most probable date for burial of the waste described in Paragraphs 5 through 8 above.
10. Neither the Director of the Department, his predecessor-in-interest, nor the Board has ever issued a permit under the HWMR or the SWMR for operation of the PWSC as a waste treatment, storage, or disposal facility.
11. The Virginia Department of Health promulgated the Regulations Governing Disposal of Solid Waste on April 1, 1971. Part I, Article 3, Section A of those regulations prohibits

the burial of solid waste without a permit. Part IV, Article 2, Section H prohibits the disposal of hazardous waste in sanitary landfills. Disposal of solid waste without a permit is prohibited at 9 VAC 20-80-90.A and Code § 10.1-1408.1.A.

12. 9 VAC 20-80-200 states that

Any solid waste management facility receiving or having received waste without a permit, in violation of statutory requirements or these or predecessor regulations, shall be classified as an unpermitted facility. . . . B. The owner, operator, or any other party responsible for an unpermitted facility shall immediately cease treatment, storage or disposal of any additional waste and shall initiate removal and cleanup as provided for in 9 VAC 20-80-210.A

13. Accordingly, the Department alleges that disposal of solid waste at the PWSC without a permit as described in Paragraphs 5 through 8 above violated Part I, Article 3, Section A and Part IV, Article 2, Section H of the Regulations of the Virginia Department of Health Governing Disposal of Solid Waste (Effective April 1, 1971), 9 VAC 20-80-90.A, and Code § 10.1-1408.1.A.
14. The Department alleges that because the PWSC received solid waste without a permit in violation of the Regulations of the Virginia Department of Health Governing Disposal of Solid Waste, the PWSC is classified as an unpermitted facility in accordance with 9 VAC 20-80-200. Under 9 VAC 20-80-210.A, solid waste at an unpermitted facility may be removed for proper disposal in accordance with the applicable regulations. Solid waste and contaminated soils discovered at the PWSC, as described in Paragraphs 5 through 8 above, have already been removed for disposal and disposed of properly.
15. On December 11, 2003, DEQ issued a Notice of Violation alleging the violations described in Paragraph 13 above.
16. The criteria at 9 VAC 20-80-210.A.1 for evaluation of removal as remedial action are considered as follows as based upon the findings at Paragraphs 5, 6, 7 and 8 above: there is no evidence of any remaining waste or waste constituents at the site there is no evidence of any actual or potential human exposure, actual or potential contamination of drinking water supplies or sensitive ecosystems; there is no evidence of the presence of any solid waste or hazardous constituents of solid wastes in containers there is no evidence of hazardous constituents of solid waste in soils; and there is no threat of fire or explosion, or other situations or factors which may pose threats to public health or welfare or the environment. Given the fact that all waste is already removed, a cost

comparison with closure in place is not applicable.

17. Accordingly, removal under 9 VAC 20-80-210.A is the most appropriate remedial action. Because removal has already been completed, no further remediation or closure activities at the PWSC are required at this time for the wastes described at Paragraphs 5 through 8 above.

Section D: Agreement and Order

Accordingly, the Board, by virtue of the authority of Code § 10.1-1182 *et seq.* and §§ 10.1-1402, 10.1-1405, and 10.1-1455 orders and the City agrees that the civil charge in settlement of the violations alleged herein is Three Thousand Dollars (\$3,000.00). The City shall pay this civil charge within thirty (30) days of the effective date of this Order. Payment shall be by check, certified check, money order, or cashier's check payable to "Treasurer of Virginia" and sent to:

Receipts Control
Department of Environmental Quality
Post Office Box 10150
Richmond, VA 23240

Either on a transmittal letter or as a notation on the check, the City shall: 1) indicate that the check is submitted pursuant to this Order, and 2) include its Federal Identification Number.

Section E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of the City, for good cause shown by the City, or on its own motion after notice and opportunity to be heard.
2. This Order addresses only those alleged violations specifically identified herein. This Order shall not preclude the Board or the Director from taking any action authorized by law, including, but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; and/or (3) taking subsequent action to enforce the terms of this Order. Nothing herein shall affect appropriate enforcement actions by other federal, state, or local regulatory authority, whether or not arising out of the same or similar facts.
3. For purposes of this Order and subsequent actions with respect to this Order, the City admits the jurisdictional allegations in this Order, but does not admit the factual allegations or legal conclusions contained herein. The Department and the City agree that

the actions undertaken by the City in accordance with this consent order do not constitute an admission of any liability by the City. The City does not admit, and retains the right to controvert in any subsequent proceedings other than proceedings to implement or enforce this Order, the validity of the Statement of Facts or Determinations contained in Section C, of this Order.

4. For purposes of this Order only, the City declares that it has received fair and due process under the Administrative Process Act, Code §§ 2.2-4000 *et seq.*, and the Virginia Waste Management Act, Code §§ 10.1-1400 *et seq.*, and waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding, or to judicial review of, any action taken by the Board or the Director to enforce this Order.
5. Failure by the City to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
6. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
7. The City shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, or other act of God, war, strike, or other such occurrences beyond the City's reasonable control. The City must show that the circumstances resulting in the noncompliance were beyond its control and were not due to a lack of good faith or diligence on its part. The City shall notify the Director and the Director of the Department's West Central Regional Office in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of this Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date

substantial compliance will be achieved.

- e. Failure to so notify the Director and the Director of the Department's West Central Regional Office within 48 hours of the commencement of the condition causing or anticipated to cause the delay or noncompliance shall constitute a waiver of any claim of inability to comply with a requirement of this Order.
8. This Order is binding on the parties hereto, their successors in interest, designees, and assigns, jointly and severally.
9. This Order shall become effective upon execution by both the Director of the Department of Environmental Quality or his designee and the City. Notwithstanding the foregoing, the City agrees to be bound by any compliance date that precedes the effective date of this Order.
10. This Order shall terminate upon receipt by DEQ of the funds specified in Section D herein.
11. By the signature of an authorized municipal official below, the City voluntarily agrees to the issuance of this Order.

Robert G. Burnley, Director
Department of Environmental Quality

Date

Seen and Agreed to:

City Manager, City of Roanoke

The foregoing instrument was acknowledged before me on _____,

by _____, City Manager of the City of Roanoke, in the County/City

of _____, Commonwealth of Virginia.

Notary Public

My Commission expires: _____

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the City Manager to execute for and on behalf of the City a Consent Order with the Commonwealth of Virginia Waste Management Board and the Department of Environmental Quality (DEQ) resolving certain solid waste disposal issues involving City owned property located adjacent to the City's Public Works Service Center, upon certain terms and conditions; and authorizing the City Manager to take such further action and to execute and provide such further documents as may be necessary to comply with and implement the provisions of such Consent Order.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City Manager is hereby authorized and directed to execute for and on behalf of the City a Consent Order with the Commonwealth of Virginia Waste Management Board and the Department of Environmental Quality resolving certain solid waste disposal issues involving City owned property located adjacent to the City's Public Works Service Center, upon certain terms and conditions, with the form of the Consent Order to be approved by the City Attorney, all as set forth in the City Manager's letter to Council dated May 3, 2004.
2. The Consent Order shall contain terms and conditions substantially similar to those set forth in the Consent Order attached to the above mentioned City Manager's letter.
3. The City Manager is further authorized to take such further action and to execute and provide such further documents as may be necessary to comply with the provisions of such Consent

Order, including, but not limited to the payment of the civil charge of \$3,000.00 to the Treasurer of Virginia through the DEQ, and such other actions as may be necessary to conclude this matter.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

May 3, 2004

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable Bev Fitzpatrick, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Arena Football 2 Equipment

Background:

On December 2, 1999, Roanoke Pro Football, LLC, doing business as the Roanoke Steam, entered into an agreement with the City to provide Arena Football 2 games at the Civic Center Coliseum. In March 2000, the City purchased the Arena Football equipment for the amount of \$168,671. In 2002, the team acquired new owners, but the City terminated the agreement when the new ownership group filed for bankruptcy. The City was left with Arena Football equipment that was used for only two seasons. Previous attempts to sell the equipment proved unsuccessful. However, in March of this year, the owners and managers of the Wichita Falls Thunder expressed an interest in the equipment. After following the required procedures, the majority of the equipment was sold for \$45,000. The remaining equipment will be used at the Civic Center and Victory Stadium.

Considerations:

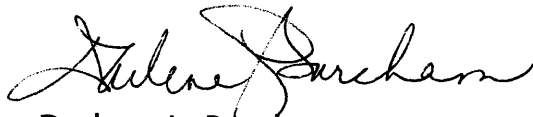
The proceeds from the sale of the equipment can be used to address needed improvements such as the repair of the stage and replacement of seats in the Civic Center Auditorium.

Mayor Smith and Members of City Council
May 3, 2004
Page 2

Recommended Action:

Authorize the Director of Finance to establish a revenue estimate in the amount of \$45,000 from the sale of equipment and appropriate funding to account 005-550-8623-9003 (Seat Refurbishing Auditorium and Coliseum) where the funding may be utilized for capital improvements.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham", written in a cursive style.

Darlene L. Burcham
City Manager

DLB: wyb

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
George C. Snead, Assistant City Manager for Operations

CM04-00074

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding received from the sale of Arena Football equipment, amending and reordaining certain sections of the 2003-2004 Civic Facilities Fund Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2003-2004 Civic Facilities Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations			
Appropriated from General Revenue	005-550-8623-9003	\$	45,000
Revenues			
Sale of Surplus Property	005-110-1234-0861		45,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
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May 3, 2004

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

**Subject: City Market Building HVAC
System Replacement**

The City opened bids for the replacement of the City Market Building HVAC on March 4, 2004. Two bids were received from local contractors, with the low bid being \$1,568,245. The variance between the two bids received was approximately 6 percent.

The estimated cost of the project was \$965,000. The higher than expected bids reflect the difficulty of work in an historic building that will remain in retail food service operation throughout the construction. The project also requires limiting the contractors work times and the site presents difficult construction staging and material storage challenges.

City staff, together with the low bidder and design engineer, has reviewed the project, seeking opportunities to reduce its cost. In order to meet the limits of our budget, it would be necessary to design a less efficient and less flexible heating and cooling system. Such a system, while meeting our budget, would not provide the desired comfort and operational flexibility needed in the City Market Building.

I recommend that we proceed with the HVAC replacement project as currently designed. We are able to meet the increased funding requirements of \$700,583 by using several sources as detailed below. The additional funding beyond the contract amount will be used for miscellaneous project expenses including advertising, prints, test services, minor variations in bid quantities, and unforeseen project expenses.

Honorable Mayor and Members of Council
May 3, 2004
Page 2

Recommended Action:

Appropriate funds to the Market Building Improvement account 008-530-9767 in the amount of \$74,333 from unappropriated CMERP (001-3323). Transfer funding from the following accounts to Market Building Improvements account 008-530-9767:

Life Insurance Premium Savings	001-250-9110-1130	\$164,807
Roanoke Valley Detention Commission	001-121-2130-2008	\$150,000
Main Library Improvements	008-052-9640-9003	\$ 8,285
Greater Gainsboro Land Acquisition	008-410-9653-9003	\$139,519
Municipal South Elevators	008-530-9792-9132	\$ 43,799
120 Commonwealth Avenue	008-530-9816-9003	\$ 19,840
Maintenance of Fixed Assets	001-440-4330-3057	\$100,000

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB/PCS/rls

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman M. Stovall, Acting Director of Management and Budget
Philip C. Schirmer, P.E., L.S., City Engineer

#CM04-00072

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for the City Market Building HVAC System Replacement, amending and reordaining certain sections of the 2003-2004 General and Capital Projects Funds Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2003-2004 General and Capital Projects Funds Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

General Fund

Appropriations

Transfer to Capital Projects Fund	001-250-9310-9508	\$ 489,140
Life Insurance	001-250-9110-1130	(164,807)
Residential/Detention Services	001-121-2130-2008	(150,000)
Maintenance of Fixed Assets	001-440-4330-3057	(100,000)
Fund Balance		
Reserved for CMERP-City	001-3323	(74,333)

Capital Projects Fund

Appropriations

Appropriated from General Revenue	008-530-9767-9003	656,784
CMERP- Equipment Purchases	008-530-9767-9132	43,799
Appropriated from General Revenue	008-052-9640-9003	(8,285)
Appropriated from General Revenue	008-410-9653-9003	(139,519)
CMERP- Equipment Purchases	008-530-9792-9132	(43,799)
Building & Structures	008-530-9575-9173	(19,840)
Revenues		
Transfer from General Fund	008-110-1234-1037	489,140

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



WILLIAM M. HACKWORTH
CITY ATTORNEY

CITY OF ROANOKE
OFFICE OF CITY ATTORNEY
464 MUNICIPAL BUILDING
215 CHURCH AVENUE, SW
ROANOKE, VIRGINIA 24011-1595

TELEPHONE: 540-853-2431
FAX: 540-853-1221
EMAIL: cityatty@ci.roanoke.va.us

May 3, 2004

ELIZABETH K. DILLON
STEVEN J. TALEVI
GARY E. TEGENKAMP
DAVID L. COLLINS
HEATHER P. FERGUSON
ASSISTANT CITY ATTORNEYS

The Honorable Mayor and Members
Of City Council
Roanoke, Virginia

Re: Appointment of School Board Member

Dear Mayor Smith and Council Members:

During my absence on vacation, Council elected to extend the application deadline until April 19 for candidates for the School Board positions. My assistant, Tim Spencer, advised that such an extension is permissible under law, and it is. However, if Council elects to appoint one or more of the applicants who applied after March 10, §9-17 of the City Code needs to be amended, since it provides that the "Council shall elect school trustees only from among those persons, including incumbent trustees, who have declared their candidacy by March 10 of each year." I have attached for your consideration and adoption an ordinance that will accomplish this.

The procedure adopted by Council for the appointment of School Board members is more detailed and cumbersome than what is required by State law. The procedure was streamlined a bit in 2001, but Council may wish to streamline it further, in order to allow more flexibility in the application process.

With kindest personal regards, I am

Sincerely yours,

A handwritten signature in dark ink, appearing to read "William M. Hackworth".

William M. Hackworth
City Attorney

WMH:

Attachment

cc: Darlene L. Burcham, City Manager
Mary F. Parker, City Clerk

W4K

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending §9-17, Candidate's application, of Article II, Procedure for Election of School Trustees, Chapter 9, Education, Code of the City of Roanoke (1979), as amended, by removing the March 10 deadline for filing of applications by candidates for election of school trustees; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section §9-17, Candidate's application, of Article II, Procedure for Election of School Trustees, Chapter 9, Education, Code of the City of Roanoke (1979), as amended, is amended to read and provide as follows:

Sec. 9-17. Candidate's application.

The council shall elect school trustees only from among those persons, including incumbent trustees, who have declared their candidacy by filing an application with the office of the city clerk by *such time as council may establish* ~~March 10~~ of each year. Such application shall be on a form prescribed by the council and supplied by the city clerk. Such application, once filed in the office of the city clerk, shall be open to public inspection.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

May 3, 2004

The Honorable Ralph K. Smith, Mayor
 The Honorable C. Nelson Harris, Vice Mayor
 The Honorable William D. Bestpitch, Council Member
 The Honorable M. Rupert Cutler, Council Member
 The Honorable Alfred T. Dowe, Jr., Council Member
 The Honorable Beverly T. Fitzpatrick, Jr., Council Member
 The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

SUBJECT: March Financial Report

This financial report covers the first nine months of the 2003-2004 fiscal year. The following narrative discusses revenues and expenditures.

REVENUES

Adjusted for the change in reporting of recovered costs, General Fund revenues increased 6.0% or \$7,114,757 compared to FY03. Effective with the 2003-2004 fiscal year, recovered costs are being reported as revenues rather than as reductions of department expenditures as in prior years. This change in reporting has the impact of increasing both revenues and expenditures as compared to the prior year. Through March, approximately \$2.9 million in recovered costs had been received and was included in the Charges for Services revenue category. Other significant variances in specific categories of revenues are discussed in the following paragraphs.

General Property Taxes increased 9.3% or \$4,028,751 compared to FY03. This growth is led by increased revenues from real estate which were up by more than 10% as of March 31st. This is due to both a budgeted increase of 7% based on assessment increases and the fact that more payments of the April 5th due date had been received by the end of March in the current year than in the prior year. Personal property tax revenues have declined in FY04 as a result of more refunds in the current year than in the prior year. The majority of this tax is collected near its May 31st due date. Increases in penalties and interest revenues and a one-time tax judgment collection contributed an additional \$37,900 in current year revenues.

The Local Tax category is a primary indicator of the health of our local economy. The category increased 4.1% as compared to last year. Sales tax revenues led this growth with an increase of 4.9% when adjusted for several one-time collections totaling approximately \$300,000 which resulted from a sales tax audit conducted during the current year which revealed underpayment of prior years' sales taxes. The growth in the sales tax results from continued recovery in our economy. Other local taxes with positive performance through March included the transient room and prepared food and beverage taxes which grew by 6.5% and 6.6%, respectively. Additionally, cellular telephone tax increased 9.5%, mainly due to a \$51,000 one-time collection stemming from a cellular telephone tax audit.

Permits and Fees grew by 12.4% or \$83,800 over FY03 due to growth in electrical, plumbing, and heating inspection fees. This growth was generated as a result of new construction and continued expansions to existing companies. New security and fire alarm registration fees also contributed to an increase in this category.

Grants-in-Aid Commonwealth increased approximately 1.1% since last year due to timing of receipt of payments. Decreases have occurred in the state share of personal property tax, funding of the constitutional offices, reimbursements for comprehensive services act expenditures and the jail block grant. No overall growth is anticipated in the Grants-in-Aid Commonwealth category which has a current revenue estimate that is .8% lower than the FY03 revenue estimate.

Charges for Services have increased due to the aforementioned change in accounting for recovered costs as revenue in FY04. Recovered costs are slightly above the estimate on a year to date basis. Additionally, EMS revenues have increased approximately \$415,700 in the current year due to increased rates, in compliance with Medicaid payment guidelines.

Miscellaneous Revenues grew by \$139,865 over FY03 due in part to the collection of surplus proceeds from prior year tax sales which have not been claimed by property owners. Sale proceeds in excess of lien amounts are retained by the City following a certain waiting period.

EXPENDITURES AND ENCUMBRANCES

Certain items affect all categories of the City in the 2003-2004 fiscal year. First, the City granted a pay raise to active employees effective July 1, 2003, which averaged 2.85% City-wide. Secondly, the City's purchasing division created an initiative to assure that contractual commitments such as rents are encumbered via purchase order for the annual amount. This resulted in higher obligations in the current fiscal year compared to the prior fiscal year, but it represents a more realistic assessment of departmental obligations. Also, the changes to recording of recovered costs, discussed previously, results in affected departmental obligations being greater than the prior year since the recovered costs are no longer deducted from obligations.

General fund expenditures and encumbrances have increased 7.9%. Adjusted for the change in recovered costs, this increase is 5.9%. Significant variances caused by fluctuations other than the change in accounting for recovered costs are discussed below.

Public Safety expenditures increased 13.7% partially due to timing differences in the encumbrance of contractual payments in Police, Emergency Medical Services, and Jail. Personal service costs also increased in the labor-intensive Police and Fire departments.

Health and Welfare expenditures grew by 11.3% due to increases in the cost of daycare services and ADC-foster care. Increased special needs adoption subsidies also affected Social Services expenditures. Additionally, subsidies obligated to the Health Department, Total Action Against Poverty, and Blue Ridge Behavioral Healthcare were up a combined \$538,500 over FY03 due to timing differences in encumbrance of contractual payments as mentioned above.

Parks, Recreation and Cultural expenditures increased in part due to a \$179,300 increase in Department of Technology billings generated by a significant increase in the number of computers owned by the libraries over the prior fiscal year. These computers were purchased in order to reduce citizens' waiting time for use of public computers. Additionally, expenditures were up due to the aforementioned change in recognition of recovered costs.

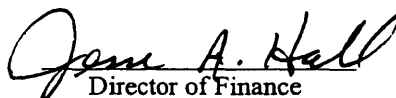
Community Development expenditures and obligations grew over FY03 due to a budgeted increase in donations to various local organizations funded by the City. Contributing to the budgeted increase was a one-time expenditure for Mill Mountain Zoo water line improvements, support for the City's branding initiative, and provision for payment to Event Zone in support of major City events.

As a result of debt service savings from the Series 2003 refunding issue, Transfer to Debt Service decreased in the current fiscal year. Additionally, the payments required on the 1999A and 2002 Series issues are lower in the current year than in FY03.

The Transfer to School Capital Projects Fund stemmed from an appropriation of fund balances relative to CMERP for a reserve for future school construction and renovation costs. There was no similar transfer in FY03.

Nondepartmental expenditures and obligations increased due to a transfer of \$2,845,800 to the Parking Fund to redeem the lease of the Century Station parking garage with the Housing Authority.

I would be pleased to answer questions City Council may have regarding the monthly financial statements.


Director of Finance

**CITY OF ROANOKE, VIRGINIA
SUMMARY OF CITY MANAGER TRANSFERS
AND AVAILABLE CONTINGENCY
MARCH 31, 2004**

<u>Transfer Number</u>	<u>Date</u>	<u>Explanation</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
<u>General Fund:</u>					
CMT-774	09/04/03	Purchase of New Police Vehicles	Jail	Fleet Management - Capital Outlay	\$ 55,000
CMT-783	09/09/03	Support Emergency Services Coordinator	City Manager	Environmental Services and Emergency Management	45,873
CMT-794	10/10/03	Flood Damaged Equipment Replacement Funding	Parks	Transportation - Streets & Traffic	20,662
CMT-804	12/03/03	Employee Tuition	Contingency (Pay Raise Supplemental)	Human Resources	40,000
CMT-830	03/14/04	February Presidential Primary	Contingency (Pay Raise Supplemental)	Electoral Board	25,000
CMT-830	03/14/04	Storage and Movement of Voting Machines	Contingency (Pay Raise Supplemental)	Electoral Board	7,400
CMT-839	04/06/04	Colonial Green Road Haul Project	Residual Fringe Benefits	Environmental Issues-Colonial Avenue	29,420
Total General Fund					<u>\$ 223,355</u>
All contingency transfers are listed on page 3.					
<u>Water Fund:</u>					
CMT-842	04/08/04	HTE System Conversion for Water Authority	Consulting Services for Water Authority	AS/400 Replacement	\$ 25,000
Total Water Fund					<u>\$ 25,000</u>
<u>Water Pollution Control Fund:</u>					
CMT-825	02/24/04	Wet Weather Improvments	WPC - Administration	Wet Weather Property Acquisitions	\$ 50,000
Total Water Pollution Control Fund					<u>\$ 50,000</u>
<u>Capital Projects Fund:</u>					
CMT-753	07/16/03	Trout Run Reconstruction Project	Peters Creek Detention Basins	Trout Run Culvert Repairs	\$ 15,844
CMT-753	07/16/03	Trout Run Reconstruction Project	Capital Improvement Reserve	Trout Run Culvert Repairs	3,723
CMT-756	07/29/03	Fire Building Paving	Capital Improvement Reserve	Surface Lot Paving	15,000
CMT-768	08/26/03	Environmental Costs	Environmental Issues-PWSC	Environmental Issues-Colonial Ave	31,649
CMT-781	09/09/03	10th Street Widening Project	VDOT Highway Projects	10th Street Widening	60,000

**CITY OF ROANOKE, VIRGINIA
SUMMARY OF CITY MANAGER TRANSFERS
AND AVAILABLE CONTINGENCY
MARCH 31, 2004
(CONTINUED)**

<u>Transfer Number</u>	<u>Date</u>	<u>Explanation</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
<u>Capital Projects Fund (continued):</u>					
CMT-1543	09/10/03	Wonju Street Extension Project	VDOT Highway Projects	Wonju Street Extension	48,892
CMT-1546	09/16/03	Police Building	Fire/EMS Facility Improvement Program	Police Building Design Phase II	50,022
CMT-1556	11/03/03	Additional Moving Expenses for Health and Human Services	Capital Improvement Reserve	Civic Mall Relocation Furniture	72,040
CMT-840	04/06/04	Colonial Green Road Haul Project	Residual Fringe Benefits	Environmental Issues-Colonial Avenue	29,420
Total Capital Projects Fund					<u>\$ 326,590</u>
<u>Parking Fund:</u>					
CMT-1561	12/01/03	Downtown West Parking Garage	Nonoperating Expense - Transfer Fund (Debt Reserve)	Downtown West Parking Garage	\$ 25,000
Total Parking Fund					<u>\$ 25,000</u>
<u>Department Of Technology Fund:</u>					
CMT-842	04/08/04	HTE System Conversion for Water Authority	Consulting Services for Water Authority	AS/400 Replacement	\$ 25,000
Total Parking Fund					<u>\$ 25,000</u>
<u>Fleet Management Fund:</u>					
CMT-774	09/04/03	New Police Vehicles	Jail	Fleet Management - Capital Outlay	\$ 55,000
Total Fleet Fund					<u>\$ 55,000</u>

Notes:

Under City Code section 2-121, the City Manager has authority to make transfers up to \$75,000 between departments, and to make transfers of any amount within departments. The scope of this report is limited to interdepartment transfers that are \$10,000 or greater.

All contingency transfers are listed on the next page.

**CITY OF ROANOKE, VIRGINIA
SUMMARY OF CITY MANAGER TRANSFERS
AND AVAILABLE CONTINGENCY
MARCH 31, 2004
(CONTINUED)**

<u>Transfer Number</u>	<u>Date</u>	<u>Explanation</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
<u>Available Contingency</u>					
Balance of Contingency at July 1, 2003					\$ 660,710
Contingency Transfers:					
		Technology Zone Incentive			
CMT-771	09/04/03	Payments	Contingency	Technology Zone	(2,000)
CMT-777	09/09/03	Legal Expenses	Contingency	Economic Development	(7,100)
		Downtown Roanoke, Inc. Website			
CMT-1547	09/19/03	Development	Contingency	Memberships and Affiliations	(10,000)
		Partners of Livable Communities			
CMT-1547	09/19/03	Downtown Wireless Project	Contingency	Memberships and Affiliations	(1,200)
				Memberships and Affiliations	
CMT-1548	09/22/03	Camp Virginia Jaycee	Contingency		(20,000)
		Pigeon and Starling Population			
CMT-786	09/22/03	Control	Contingency	Transportation- Streets and Traffic	(10,000)
CMT-1555	10/31/03	School Task Force Consultant	Contingency	City Manager	(6,460)
		Virginia Technology Capital			
CMT-1559	11/12/03	Access Forum	Contingency	Memberships and Affiliations	(2,500)
CMT-803	11/20/03	Deer Management Program	Contingency	Police - Animal Control	(37,000)
CMT-810	12/05/03	Virginia Municipal League	Contingency	Virginia Municipal League	(35,000)
				Memberships and Affiliations	
CMT-1568	12/19/03	Event Zone	Contingency		(63,299)
		Project Nexus Air Service			
CMT-814	12/30/03	Consulting	Contingency	Regional Competitiveness Program	(272)
		US Customs Port of Entry and			
CMT-1574	01/14/04	Foreign Trade Zones	Contingency	Memberships and Affiliations	(18,882)
		Roanoke Regional Chamber of			
CMT-1574	01/14/04	Commerce Membership	Contingency	Memberships and Affiliations	(7,595)
CMT-817	02/05/04	Virginia Municipal League	Contingency	Virginia Municipal League	(18,000)
		Project Nexus Air Service			
CMT-820	02/23/04	Consulting	Contingency	Regional Competitiveness	(14,354)
				Housing and Neighborhood Services	
CMT-823	02/23/04	Housing Design Competition	Contingency		(15,000)
				Memberships and Affiliations	
CMT-1598	03/01/04	Christmas in April	Contingency		(500)

**CITY OF ROANOKE, VIRGINIA
SUMMARY OF CITY MANAGER TRANSFERS
AND AVAILABLE CONTINGENCY
MARCH 31, 2004
(CONTINUED)**

<u>Transfer Number</u>	<u>Date</u>	<u>Explanation</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
CMT-1598	03/01/04	Donation to Downtown Roanoke, Inc for H&C Coffee Sign restoration	Contingency	Memberships and Affiliations	(15,000)
CMT-1598	03/01/04	Local Government Attorneys of Virginia Conference	Contingency	Memberships and Affiliations	(1,500)
CMT-1598	03/01/04	Mill Mountain Theatre Underground Roanoke Project	Contingency	Memberships and Affiliations	(10,000)
CMT-835	03/26/04	Hunter Viaduct Monument and Plaque.	Contingency	Engineering	(5,000)
CMT-831	03/24/04	Randall Funding Contract	Contingency	Grant Writing Services	(57,000)
CMT-832	03/24/04	Sponsor New Century Council TechNite	Contingency	Memberships and Affiliations	(2,000)
Contingency Increases/(Appropriations) Through Budget Ordinances:					
BO-36564	12/15/03	FEMA Flood Damage Reimbursements	Flood Damage Reimbursements	Contingency	105,776
BO-36600	01/26/04	Snow Removal	Contingency	Transportation -Snow Removal	(150,000)
Available Contingency at March 31, 2004					<u>\$ 256,824</u>

**CITY OF ROANOKE, VIRGINIA
GENERAL FUND**

STATEMENT OF REVENUE

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - March 31 2002-2003	July 1 - March 31 2003-2004	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
General Property Taxes	\$ 43,350,949	\$ 47,379,700	9.29 %	\$ 83,500,217	56.74%
Other Local Taxes	40,527,622	42,193,178	4.11 %	60,866,657	69.32%
Permits, Fees and Licenses	678,589	762,386	12.35 %	907,302	84.03%
Fines and Forfeitures	958,965	1,050,293	9.52 %	1,296,130	81.03%
Revenue from Use of Money and Property	738,255	715,096	-3.14 %	1,093,091	65.42%
Grants-in-Aid Commonwealth	27,663,125	27,965,357	1.09 %	46,663,491	59.93%
Grants-in-Aid Federal Government	17,179	130,731	660.99 %	147,852	88.42%
Charges for Services	3,081,329	6,682,645	116.88 %	8,549,314	78.17%
Miscellaneous Revenue	129,313	269,178	108.16 %	420,474	64.02%
Internal Services	1,419,249	1,430,768	0.81 %	2,529,153	56.57%
Total	\$ 118,564,575	\$ 128,579,332	8.45 %	\$ 205,973,681	62.43%

STATEMENT OF EXPENDITURES AND ENCUMBRANCES

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - March 31 2002-2003	July 1 - March 31 2003-2004	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
General Government	\$ 8,514,228	8,658,333	1.69 %	\$ 3,286,249	\$ 11,944,582	72.49%
Judicial Administration	4,493,327	4,572,042	1.75 %	1,997,566	6,569,608	69.59%
Public Safety	33,933,710	38,582,524	13.70 %	11,585,214	50,167,738	76.91%
Public Works	18,074,397	19,528,013	8.04 %	5,747,215	25,275,228	77.26%
Health and Welfare	19,132,572	21,284,279	11.25 %	7,932,121	29,216,400	72.85%
Parks, Recreation and Cultural	3,415,849	4,068,712	19.11 %	1,416,164	5,484,876	74.18%
Community Development	3,824,279	4,720,856	23.44 %	1,531,220	6,252,076	75.51%
Transfer to Debt Service Fund	16,953,899	14,513,017	-14.40 %	480,180	14,993,197	96.80%
Transfer to School Fund	35,729,370	36,667,085	2.62 %	12,222,361	48,889,446	75.00%
Transfer to School Capital Projects Fund	-	1,025,630	100.00 %	-	1,025,630	100.00%
Nondepartmental	6,250,789	8,500,508	35.99 %	3,504,290	12,004,798	70.81%
Total	\$ 150,322,420	162,120,999	7.85 %	\$ 49,702,580	\$ 211,823,579	76.54%

**CITY OF ROANOKE, VIRGINIA
SCHOOL FUND STATEMENT OF REVENUE**

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - March 31 2002-2003	July 1 - March 31 2003-2004	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
State Sales Tax	\$ 5,133,378	\$ 5,443,246	6.04 %	\$ 9,162,397	59.41 %
Grants-in-Aid Commonwealth	30,508,825	31,594,314	3.56 %	44,486,858	71.02 %
Grants-in-Aid Federal Government	94,342	79,706	-15.51 %	119,048	66.95 %
Charges for Services	1,429,159	1,505,617	5.35 %	2,271,378	66.29 %
Interest On Investments	-	29,744	100.00 %	100,000	29.74 %
Transfer from General Fund	35,729,369	36,667,085	2.62 %	48,889,446	75.00 %
Total	\$ 72,895,073	\$ 75,319,712	3.33 %	\$ 105,029,127	71.71 %

SCHOOL FUND STATEMENT OF EXPENDITURES AND ENCUMBRANCES

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - March 31 2002-2003	July 1 - March 31 2003-2004	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
Instruction	\$ 53,938,836	\$ 56,432,040	4.62 %	\$ 21,986,952	\$ 78,418,992	71.96 %
General Support	2,663,565	2,931,809	10.07 %	1,226,464	4,158,273	70.51 %
Transportation	2,977,950	3,480,348	16.87 %	969,591	4,449,939	78.21 %
Operation and Maintenance of Plant	7,730,610	8,400,020	8.66 %	2,538,781	10,938,801	76.79 %
Facilities	1,631,889	3,340,864	104.72 %	260,828	3,601,692	92.76 %
Other Uses of Funds	6,525,072	6,976,564	6.92 %	1,206,693	8,183,257	85.25 %
Total	\$ 75,467,922	\$ 81,561,645	8.07 %	\$ 28,189,309	\$ 109,750,954	74.32 %

**CITY OF ROANOKE, VIRGINIA
WATER FUND
COMPARATIVE INCOME STATEMENT
FOR THE NINE MONTHS ENDING MARCH 31, 2004**

	<u>FY 2004</u>	<u>FY 2003</u>
Operating Revenues		
Commercial Sales	\$ 3,720,376	\$ 3,233,566
Domestic Sales	2,956,996	2,559,499
Industrial Sales	579,477	428,775
Town of Vinton	32,622	20,418
City of Salem	36,693	25,289
County of Botetourt	203,949	171,485
County of Bedford	28,130	21,689
Customer Services	366,999	259,520
Charges for Services	<u>882,692</u>	<u>884,156</u>
Total Operating Revenues	<u>8,807,934</u>	<u>7,604,397</u>
Operating Expenses		
Personal Services	3,344,505	3,340,976
Operating Expenses	2,509,395	2,727,308
Purchased Water - Roanoke County	-	1,907,359
Purchased Water - City of Salem	-	589,419
Depreciation	<u>1,180,715</u>	<u>1,240,471</u>
Total Operating Expenses	<u>7,034,615</u>	<u>9,805,533</u>
Operating Revenues (Expenses)	<u>1,773,319</u>	<u>(2,201,136)</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	51,312	62,821
Rent	126,015	91,900
Main Extension Agreements	104,490	-
Miscellaneous Revenue	44,895	47,359
Transfer to Department of Technology Fund	(216,000)	(41,146)
Interest and Fiscal Charges	<u>(846,837)</u>	<u>(782,049)</u>
Net Nonoperating Expenses	<u>(736,125)</u>	<u>(621,115)</u>
Net Income (Loss)	<u><u>\$ 1,037,194</u></u>	<u><u>\$ (2,822,251)</u></u>

Note: Prior year financial statements have been restated to conform to current year presentation.

**CITY OF ROANOKE, VIRGINIA
WATER POLLUTION CONTROL FUND
COMPARATIVE INCOME STATEMENT
FOR THE NINE MONTHS ENDING MARCH 31, 2004**

	<u>FY 2004</u>	<u>FY 2003</u>
Operating Revenues		
Sewage Charges - City	\$ 5,267,968	\$ 4,516,586
Sewage Charges - Roanoke County	854,524	944,068
Sewage Charges - Vinton	144,047	185,730
Sewage Charges - Salem	848,534	848,978
Sewage Charges - Botetourt County	127,373	165,101
Customer Services	229,510	204,621
Interfund Services	<u>161,427</u>	<u>148,650</u>
Total Operating Revenues	<u>7,633,383</u>	<u>7,013,734</u>
Operating Expenses		
Personal Services	1,762,952	1,581,437
Operating Expenses	4,024,522	3,653,632
Depreciation	<u>1,405,922</u>	<u>1,399,491</u>
Total Operating Expenses	<u>7,193,396</u>	<u>6,634,560</u>
Operating Revenues	<u>439,987</u>	<u>379,174</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	88,165	108,231
Miscellaneous Revenue	157	321
Capital Contributions - Other Jurisdictions	1,966,785	97,832
Transfer to Department of Technology Fund	(190,000)	(27,248)
Interest and Fiscal Charges	<u>(233,037)</u>	<u>(557,917)</u>
Net Nonoperating Revenues (Expenses)	<u>1,632,070</u>	<u>(378,781)</u>
Net Income	<u><u>\$ 2,072,057</u></u>	<u><u>\$ 393</u></u>

**CITY OF ROANOKE, VIRGINIA
CIVIC FACILITIES FUND
COMPARATIVE INCOME STATEMENT
FOR THE NINE MONTHS ENDING MARCH 31, 2004**

	<u>FY 2004</u>	<u>FY 2003</u>
Operating Revenues		
Rentals	\$ 559,830	\$ 182,304
Event Expenses	139,481	51,107
Display Advertising	77,983	6,000
Admissions Tax	267,342	108,728
Electrical Fees	6,405	5,760
Novelty Fees	48,993	50,612
Facility Surcharge	268,103	50,004
Charge Card Fees	60,621	4,448
Commissions	45,433	52,856
Catering/Concessions	770,665	580,286
Other	7,524	8,583
Total Operating Revenues	<u>2,252,380</u>	<u>1,100,688</u>
Operating Expenses		
Personal Services	1,473,075	1,450,936
Operating Expenses	1,639,258	1,560,693
Depreciation	396,966	447,602
Total Operating Expenses	<u>3,509,299</u>	<u>3,459,231</u>
Operating Loss	<u>(1,256,919)</u>	<u>(2,358,543)</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	11,522	14,988
Flood Damage Reimbursements	23,453	-
Virginia Municipal League	11,865	-
Arena Ventures Contractual Penalties	117,505	-
Transfer from General Fund	477,565	677,815
Transfer from General Fund - Victory Stadium	113,728	102,278
Transfer from Capital Projects Fund	260,000	-
Transfer to Debt Service Fund	(62,194)	(69,330)
Transfer to Department of Technology Fund	-	(47,754)
Loss on Disposal of Fixed Asset	-	(15,352)
Miscellaneous	2,305	8,458
Total Nonoperating Revenues	<u>955,749</u>	<u>671,103</u>
Net Loss	<u><u>\$ (301,170)</u></u>	<u><u>\$ (1,687,440)</u></u>

**CITY OF ROANOKE, VIRGINIA
PARKING FUND
COMPARATIVE INCOME STATEMENT
FOR THE NINE MONTHS ENDING MARCH 31, 2004**

	<u>FY 2004</u>	<u>FY 2003</u>
Operating Revenues		
Century Station Parking Garage	\$ 312,119	\$ 281,660
Williamson Road Parking Garage	412,844	333,634
Market Square Parking Garage	172,354	170,374
Church Avenue Parking Garage	429,170	366,449
Tower Parking Garage	339,414	297,349
Gainsboro Parking Garage	73,308	27,888
Williamson Road Surface Lots	61,439	56,205
Norfolk Avenue Surface Lot	44,254	43,244
Gainsboro Surface Lot	33,025	25,732
Other Surface Lots	<u>111,323</u>	<u>54,011</u>
Total Operating Revenues	<u>1,989,250</u>	<u>1,656,546</u>
Operating Expenses		
Operating Expenses	817,386	788,340
Depreciation	<u>416,515</u>	<u>413,583</u>
Total Operating Expenses	<u>1,233,901</u>	<u>1,201,923</u>
Operating Income	<u>755,349</u>	<u>454,623</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	13,916	4,061
Transfer from General Fund (see Note)	2,845,800	119,778
Transfer from Department of Technology Fund	78,000	-
Interest and Fiscal Charges	<u>(275,197)</u>	<u>(441,916)</u>
Net Nonoperating Revenues (Expenses)	<u>2,662,519</u>	<u>(318,077)</u>
Net Income	<u><u>\$ 3,417,868</u></u>	<u><u>\$ 136,546</u></u>

Note: The Transfer from General Fund for FY 2004 was to redeem the Century Station Garage lease.

**CITY OF ROANOKE, VIRGINIA
MARKET BUILDING FUND
INCOME STATEMENT
FOR THE NINE MONTHS ENDING MARCH 31, 2004**

	<u>FY 2004</u>	<u>FY 2003</u>
Operating Revenues		
Retail Space Rental	\$ 196,395	\$ 69,327
Total Operating Revenues	<u>196,395</u>	<u>69,327</u>
Operating Expenses		
Operating Expense	341,460	36,554
Depreciation	<u>5,808</u>	<u>1,852</u>
Total Operating Expenses	<u>347,268</u>	<u>38,406</u>
Operating Revenues (Expenses)	<u>(150,873)</u>	<u>30,921</u>
Nonoperating Revenues		
Interest on Investments	1,829	952
Transfer From Capital Projects Fund	-	295,000
Capital Contributions	-	289,220
Miscellaneous	<u>950</u>	<u>-</u>
Net Nonoperating Revenues	<u>2,779</u>	<u>585,172</u>
Net Income (Loss)	<u><u>\$ (148,094)</u></u>	<u><u>\$ 616,093</u></u>

**CITY OF ROANOKE, VIRGINIA
CITY TREASURER'S OFFICE
GENERAL STATEMENT OF ACCOUNTABILITY
FOR THE MONTH ENDED MARCH 31, 2004**

TO THE DIRECTOR OF FINANCE:

GENERAL STATEMENT OF ACCOUNTABILITY OF THE CITY TREASURER OF THE CITY OF ROANOKE, VIRGINIA FOR THE FUNDS OF SAID CITY FOR THE MONTH ENDED MARCH 31, 2004.

FUND	BALANCE AT FEB 29, 2004	RECEIPTS	DISBURSEMENTS	BALANCE AT MAR 31, 2004	BALANCE AT MAR 31, 2003
GENERAL	(\$19,353,140.39)	\$29,256,002.74	\$14,909,850.87	(\$5,006,988.52)	(\$3,011,920.67)
WATER	4,304,975.89	675,250.49	340,989.60	4,639,236.78	3,712,941.87
WATER POLLUTION CONTROL	26,384,182.93	3,954,887.08	2,415,170.50	27,923,899.51	8,490,180.97
CIVIC FACILITIES	1,370,578.07	759,732.66	439,690.11	1,690,620.62	641,063.18
PARKING	848,583.59	282,571.29	217,831.01	913,323.87	332,153.86
CAPITAL PROJECTS	48,207,013.01	103,853.55	218,104.79	48,092,761.77	56,378,314.49
MARKET BUILDING OPERATIONS	182,037.34	29,925.59	51,433.57	160,529.36	342,609.73
CONFERENCE CENTER	3,746,642.98	27,026.98	8,080.45	3,765,589.51	3,863,413.68
DEBT SERVICE	14,317,968.26	61,041.08	1,289,038.74	13,089,970.60	12,665,307.76
DEPT OF TECHNOLOGY	4,361,749.00	215,517.68	728,127.79	3,849,138.89	5,159,915.67
FLEET MANAGEMENT	843,087.00	151,503.40	526,520.74	468,069.66	1,406,662.18
PAYROLL	(12,439,192.23)	15,350,472.93	15,730,488.29	(12,819,207.59)	(13,710,693.98)
RISK MANAGEMENT	12,214,611.83	645,054.47	704,751.17	12,154,915.13	11,607,853.70
PENSION	831,478.08	1,742,264.92	1,611,854.89	961,888.11	528,398.05
SCHOOL FUND	5,675,196.89	6,797,400.72	6,838,330.40	5,634,267.21	9,563,853.00
SCHOOL CAPITAL PROJECTS	6,838,464.38	1,603,773.98	877,027.77	7,565,210.59	9,326,752.13
SCHOOL FOOD SERVICE	440,077.30	437,603.76	400,345.72	477,335.34	161,061.73
FDETC	46,977.18	89.33	40,249.54	6,816.97	91,846.48
GRANT	896,111.43	733,947.40	375,016.74	1,255,042.09	1,115,546.53
TOTAL	\$99,717,402.54	\$62,827,920.05	\$47,722,902.69	\$114,822,419.90	\$108,665,260.36

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE STATEMENT OF MY ACCOUNTABILITY TO THE CITY OF ROANOKE, VIRGINIA, FOR THE FUNDS OF THE VARIOUS ACCOUNTS THEREOF FOR THE MONTH ENDED MARCH 31, 2004.
THAT SAID FOREGOING:

CASH

CASH IN HAND	\$62,928.14
CASH IN BANK	1,782,647.58

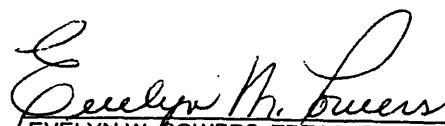
INVESTMENTS ACQUIRED FROM COMPETITIVE PROPOSALS:

COMMERCIAL HIGH PERFORMANCE MONEY MARKET	12,800,000.00
LOCAL GOVERNMENT INVESTMENT POOL	21,486,413.84
MONEY MANAGEMENT ACCOUNT	10,496,659.33
REPURCHASE AGREEMENTS	6,500,000.00
U. S. AGENCIES	12,500,000.00
VIRGINIA AIM PROGRAM (U. S. SECURITIES)	32,792,390.08
VIRGINIA RESOURCE AUTHORITY	16,401,380.93

TOTAL

\$114,822,419.90

APRIL 14, 2004


EVELYN W. POWERS, TREASURER

**CITY OF ROANOKE PENSION PLAN
STATEMENT OF CHANGES IN PLAN NET ASSETS
FOR THE NINE MONTHS ENDED MARCH 31, 2004**

	<u>FY 2004</u>	<u>FY 2003</u>
<u>Additions:</u>		
Employer Contributions	\$ 3,757,397	\$ 3,016,240
Investment Income		
Net Appreciation (Depreciation) in Fair Value of Investments	33,636,256	(23,200,514)
Interest and Dividend Income	1,920,302	2,236,061
Total Investment Income (Loss)	35,556,558	(20,964,453)
Less Investment Expense	270,384	153,659
Net Investment Income (Loss)	35,286,174	(21,118,112)
Total Additions (Deductions)	<u>\$ 39,043,571</u>	<u>\$ (18,101,872)</u>
 <u>Deductions</u>		
Benefits Paid to Participants	\$ 13,525,402	\$ 12,441,715
Administrative Expenses	274,963	285,972
Total Deductions	<u>13,800,365</u>	<u>12,727,687</u>
Net Increase (Decrease)	25,243,206	(30,829,559)
 Net Assets Held in Trust for Pension Benefits:		
Fund Balance July 1	283,983,057	289,534,315
Fund Balance March 31	<u>\$309,226,263</u>	<u>\$258,704,756</u>

**CITY OF ROANOKE PENSION PLAN
BALANCE SHEET
MARCH 31, 2004**

	<u>FY 2004</u>	<u>FY 2003</u>
<u>Assets</u>		
Cash	\$ 961,888	\$ 528,190
Investments, at Fair Value	309,799,574	259,588,137
Due from Other Funds	1,620	1,590
Other Assets	<u>6,150</u>	<u>5,785</u>
Total Assets	<u>\$ 310,769,232</u>	<u>\$ 260,123,702</u>
 <u>Liabilities and Fund Balance</u>		
Liabilities:		
Due to Other Funds	\$ 1,542,883	\$ 1,416,694
Accounts Payable	<u>86</u>	<u>2,252</u>
Total Liabilities	<u>1,542,969</u>	<u>1,418,946</u>
 Fund Balance:		
Fund Balance, July 1	283,983,057	289,534,315
Net Gain (Loss) - Year to Date	<u>25,243,206</u>	<u>(30,829,559)</u>
Total Fund Balance	<u>309,226,263</u>	<u>258,704,756</u>
 Total Liabilities and Fund Balance	<u>\$ 310,769,232</u>	<u>\$ 260,123,702</u>

Roanoke Arts Commission

**215 Church Avenue, S.W., Room 456
540-853-2541**

27 April 2004

The Honorable Mayor and Members of City Council
C/O office of the City Clerk
215 Church Avenue
Roanoke, Virginia 24011

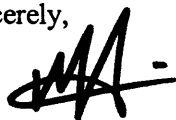
Re: Unity sculpture site selection

Dear Mayor and Members of City Council:

Several months ago the Roanoke Arts Commission recommended to City Council that they accept a sculpture entitled 'Unity' by local artist Judith Damon. The Arts Commission created a site selection committee comprised of Commission members to determine possible installation locations on city property for the sculpture. The site selection committee recommended to the Arts Commission a site indicated on the attached photo in Elmwood Park. The Commission voted to accept this location, met with the director of Parks Recreation, Steve Buschor, and the Parks and Recreation Advisory Board, because the site is located on city park property. The Arts Commission and the Department of Parks and Recreation concur in recommending to Roanoke City Council that the Council dedicate this site for installation of the Unity Sculpture. We further recommend that this site be dedicated for this purpose, allowing the artist one year to install the sculpture. The artist has indicated that the donation of the work of art and its installation will be at no cost to the city.

As Chair of the Roanoke Arts Commission, it is my pleasure to commend Council and the City administration the work of the membership of the Arts Commission members, especially the dedication and thoughtful consideration given to this issue by the site selection committee. Thank you for your participation in the process.

Sincerely,



Mark C. McConnel, AIA
Chairman, Roanoke Arts Commission

Cc: Steve Buschor, Director Parks and Recreation
Herb Detweiler, Art Commission Member

